INDEX TO MADRAS LEGISLATIVE COUNCIL DEBATES

SECOND SESSION OF THE LEGISLATIVE COUNCIL

21st DECEMBER 1937 and 31st JANUARY to 2nd FEBRUARY, 1st, 2nd, 7th to 9th, 22nd, 23rd, 25th and 31st MARCH 1938

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(5) The Provincial Government may place the collection of the tolls levied under sub-section (1) under the management of such persons as may appear to them proper; and all persons employed in the management and collection of such tolls shall be liable to the same responsibilities as would belong to them if employed in the collection of land revenue."

Addition of new section 9 in Act VIII of 1851.

3. After section 8 of the said Act, the following section shall be added, namely:—

Power of Provincial Government to make rules.

"9. The Provincial Government shall have power to make rules regarding the method of collection of the tolls, the manner of distribution of the receipts therefrom, and generally for carrying out the purposes of this Act."

Repeal of section 14, Madras Act III of 1931.

4. Section 14 of the Madras Motor Vehicles Taxation Act, 1931, shall be omitted. Madras Act III of 1931

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GOVERNOR OF MADRAS.

HIS EXCELLENCY LORD ERSKINE, G.C.I.E. Took his seat on the 15th November 1934.

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Federal pensions, that is to say, pensions payable by the Federation or out of Federal revenues.
Indian Audit and Accounts Service examination.
Post Office Savings Bank.
Public Debt of the Federation.

2. THE HON. MR. T. PRAKASAM, Minister for Revenue. Took his seat on the 14th July 1937 and is in charge of the following portfolios:—

Provincial subjects—

Betting Tax Act.
Board of Revenue *(general)*.
City Tenants' Protection Act.
Constitution of districts, divisions and taluks.
Court of Wards and Zamindars—
Impartible Estates Act.

Provincial subjects—

Deputy Collectors.
District Gazettes and Gazetteers.
Duties in respect of succession to agricultural land
Estates Land Act.
Famine relief.
Floods.
Inams.
Irrigation (minor works)—
- Minor irrigation establishments.
- Minor irrigation works.
- Navigation.
- Water-rate.

Land Revenue administration as described under the following heads, namely:—
- Alienation of land revenue.
- Assessment and collection of land revenue.
- Buildings.
- Colonization and disposal of Crown lands.
- Establishment.
- Land improvement and agricultural loans.
- Laws regarding land tenures—Easements—Relations of landlord and tenant—Collection of rents—Transfer and devolution of agricultural land.
- Maintenance of land records—Survey for revenue purposes—Records of rights.
- Management of Government estates.
- Miscellaneous.
- Revenue Recovery Act.

Lands—
- Acquisition.
- Alienation.
- Assignment.
- Encroachment
- Land records.
- Military lands.
- Railway lands.
- Transfer of lands between Central and Provincial Governments.

Malabar Tenancy Act.
Pensions—Hereditary not being political.
Pounds and prevention of cattle trespass.
Procedure in rent and revenue courts.
Registration.
Season.
Settlement—Kistbandi.
Special funds.
Stamp duty on documents—Rates of.
Survey—Boundary disputes.
Taxes on agricultural income.
Transfer of villages.
Treasure trove.
Treasuries.
Village accounts.
Village establishments.

Provincial subjects—cont.

Water-supply.

Yeomiahs.

Concurrent subjects—

Recovery in a Governor's province or a Chief Commissioner's province of claims in respect of taxes and other public demands, including arrears of land revenue and sums recoverable as such, arising outside that province.

Registration of deeds and documents.

Stamp duties other than duties or fees collected by means of judicial stamps, but not including rates of stamp duty.

Federal subjects—

Duties in respect of succession to property other than agricultural land.

Excise duties on tobacco and other goods manufactured or produced in India except those assigned to the province.

Lands vested in or in the possession of His Majesty for the purposes of Federation.

Opium so far as regards cultivation and manufacture or sale for export.

Salt.

Stamp duty—Rates of in respect of bills of exchange, cheques, promissory notes, bills of lading, letters of credit, policies of insurance, proxies and receipts.

Survey of India.

3. THE HON. MR. YAKUB HASAN, Minister for Public Works. Took his seat on the 14th July 1937 and is in charge of the following portfolios:—

Provincial subjects—

Canals—Irrigational and navigable.

Drainage and embankments, water-storage and water-power.

Gas and gas works.

Hydro-electric schemes.

Inland waterways and traffic thereon.

Irrigation—Major works.

Isolated tombs of European Government servants and their families including isolated tombs of historical or archæological interest and of British soldiers, non-commissioned officers and their families.

Minor ports.

Minor railways, light and feeder railways.

Public works (buildings, roads, bridges, ferries, ropeways, etc.).

Railway—Accidents.

Rivers—Conservancy.

Taxes on boats.

Tramways—Extra municipal.

Works and buildings vested in or in the possession of His Majesty for the purposes of the Province.

Concurrent subjects—

Boilers.

Electricity.

Shipping and navigation on inland waterways as regards mechanically propelled vessels, carriage of passengers and goods on inland waterways.

Federal subjects—

Air craft and air navigation; regulation and organization of air traffic and of aerodromes.

Carriage of passengers and goods by sea, or by air.

European cemeteries.

Lighthouses, including light ships and beacons.

Major ports—Constitution and powers of port authorities therein.

Marine—Maritime shipping and navigation, including shipping and navigation on tidal waters; admiralty jurisdiction.

Port quarantine and marine hospitals.

Posts and telegraphs, including telephones, wireless, broadcasting, and other like forms of communication.

Railways other than minor railways—Construction and regulation.

Taxes on railway fares and freights.

Terminal taxes on goods or passengers carried by railway, water or air.

Works and buildings vested in or in the possession of His Majesty for the purposes of the Federation.

4. THE HON. DR. P. SUBBARAYAN, Minister for Education ad Legal Departments. Took his seat on 30th July 1937 and is in large of the following portfolios:—

A. EDUCATION.

Provincial subjects—

Appeals from educational staff employed under local boards and municipal councils.

Books—

Copyright—

Registration of.

Books and periodicals—Questions relating to their purchase and supply to public offices.

Certificate of age and qualification.

Civil Orphan Asylum.

Education including, European and Anglo-Indian education and educational questions relating to the Corporation of Madras and local bodies.

Epigraphy.

Examinations except Public Service Notification and Board of Examiners.

Government Presses.

Libraries.

Literary, scientific, religious and other societies and associations.

Liveries and clothing.

Madras Record Office.

Museums.

Preservation and translation of ancient manuscripts.

Provincial gazetteers.

Stationery and printing.

Translators to Government.

Zoological gardens.

Concurrent subjects—

Legal, medical and other professions.

Federal subjects—

Ancient and historical monuments.
Archæology.
Copyright.
Federal agencies and institutes for research, for professional or technical training, or for the promotion of special studies.
The Imperial Library, the Indian Museum and any other similar institution controlled or financed by the Federation.

B. LEGAL.

Acts.
Advising Government—
(*a*) in matters of litigations, appeals, etc.;
(*b*) on legal questions which are not of sufficient importance to necessitate a reference to the Advocate-General.
Bills, non-official—Scrutiny of.
Government Bills—Drafting and scrutiny.
Law Officers—References to.
Legal assistance to Government servants.
Legal and legislative publications, such as Codes, Acts, Manuals, etc.
Legislation—Secretariat work connected with.
Legislature—Rules of procedure and standing orders of—Scrutiny.
Notifications—Scrutiny of.
Subsidiary legislation, viz., Statutory Rules and Orders (other than Service Rules) and generally assist other departments in all matters of a legal nature that may be referred to it.

5. THE HON. DR. T. S. S. RAJAN, Minister for Public Health. Took his seat on 14th July 1937 and is in charge of the following portfolios:—

Provincial subjects—

Adulteration of foodstuffs and other articles.
Appeals from medical and public health staff employed under local boards and municipal councils.
Burials and burial grounds other than European cemeteries.
Choultries.
Hospitals and dispensaries.
Inns and inn-keepers.
Langarkhanas including Triplicane Poor House.
Medical Administration, including medical questions relating to the Corporation of Madras and local bodies.
Pilgrimages within British India.
Places of Public Resort Act.
Public Health, including public health que poration of Madras and local bodies.
Registration of births, deaths and marriag
Religious and charitable endowments.
Sanitation.
Stores—Rules and general questions.
Town-planning.
Vital statistics.

Concurrent subjects—

Health insurance, including invalidity pensions; old age pensions.
Lunacy and lunatic asylums.
Prevention of the extension from one unit to another of infectious or contagious diseases affecting men.

6. THE HON. MR. V. I. MUNISWAMI PILLAI, Minister for Agriculture and Rural Development. Took his seat on 14th July 1937 and is in charge of the following portfolios:—

A. DEVELOPMENT DEPARTMENT.

Provincial subjects—

Agriculture including agricultural education
Agricultural statistics.
Cinchona.
Cottage Industries.
Fisheries.
Forests, including ryots' and panchayat forests
Money-lending and money-lenders.
Protection of wild animals and birds.
Rural indebtedness.
Statistics for purposes of provincial matters.
Veterinary department including Veterinary Education.
Weights and measures.

Concurrent subjects—

Prevention of the extension from one unit to another of infectious or contagious diseases or pests affecting animals or plants.
Statistics for the purpose of any of the matters in the concurrent field.

Federal subjects—

Botanical survey.
Census.
Fishing and fisheries beyond territorial waters.
Meteorology—Federal organizations.
Standards of weight.
Statistics for the purpose of any of the Federal matters.
Zoological survey.

B. REVENUE DEPARTMENT.

Provincial subjects—

Excise duties on the following goods manufactured or produced in India—
(*a*) Alcoholic liquors for human consumption.
(*b*) Opium, Indian hemp and other narcotic drugs and narcotics; non-narcotic drugs.
(*c*) Medicinal and toilet preparations containing alcohol, opium, etc.

Production, manufacture, possession, transport, purchase and sale of intoxicating liquors, opium and other drugs and narcotics.

7. THE HON. MR. V. V. GIRI, Minister for Industries and Labour. Took his seat on 14th July 1937 and is in charge of the following portfolios:—

Provincial subjects—

Co-operative Societies.
Depressed classes and labour.
Development of industries other than cottage industries.
Economic conditions including wages and prices (not famine relief)
Emigration and immigration.
Marketing.
Markets and fairs.
Mines and oil-fields and development of mineral resources
Taxes on mineral rights.
Trade and commerce.
Unemployment; relief of the poor.
Unincorporated trading associations.

Concurrent subjects—

Contracts, including partnership, agency, contracts of carriage and other special forms of contract.
Factories.
Indian Partnership Act.
Industrial and Labour disputes.
Trade unions.
Unemployment insurance.
Welfare of labour—
Employer's liability and workmen's compensation.
Provident Funds.

Federal subjects—

Banking—Conduct of banking business by corporations.
Cheques, bills of exchange, promissory notes and other like instruments.
Corporations—Incorporation, regulation and winding up of trading corporations, including banking, insurance and financial corporations but not including co-operative societies.
Customs duties including export duties.
Development of industries where development under Federal Control is declared by Federal Law to be expedient in the public interest.
Geological survey.
Import and export across customs frontiers.
Indian Companies Act.
Insurance—The Law of insurance and the conduct of insurance business.
Inventions, designs, trade marks and merchandise marks.
Mines and oil-fields and mineral development—Regulation of (to the extent to which such regulation and development under Federal Control is declared by Federal Law to be expedient in the public interest) and regulation of labour and safety in mines and oil-fields.
Provident insurance societies.
Repatriation.
Tariffs.
Taxes on the capital of individuals or of companies.

8. THE HON. MR. S. RAMANATHAN, Minister for Public formation. Took his seat on 14th July 1937 and is in charge of the llowing portfolios:—

Publicity—General.
Publicity—Free of concessional supply of Government publications.
Presidency Administration Report.

9. THE HON. MR. K. RAMAN MENON, Minister for Courts and isons. Took his seat on 14th July 1937 and is in charge of the followg portfolios:—

Provincial subjects—
- Administration of justice, civil and criminal, including constitution, jurisdiction, powers, maintenance and organization of courts within the Province—
  - Additional and Assistant Sessions Judges.
  - Bench Courts.
  - Civil Courts including High Courts.
  - Civil Rules of Practice.
  - Criminal appeals.
  - Criminal justice report.
  - Criminal powers.
  - Criminal Rules of Practice.
  - Honorary Magistrates.
  - Presidency Magistrates and Courts.
  - Remission and commutation of sentences.
- Betting and gambling—except State lotteries.
- Breach of Contract Act.
- Carbide of Calcium.
- Child Marriage Restraint Act.
- Children Act.
- Cinematograph Act.
- Civil Law.
- Control of motor vehicles—
  - Motor Vehicles Act.
- Control of vehicles other than mechanically propelled vehicles.
- Coroners.
- Criminal lunatics.
- Discharged Prisoners' Aid Society.
- Escheats.
- Hackney Carriages Act.
- Immoral Traffic.
- Indian Bar Councils Act.
- Jails—
  - Borstal institutions.
  - Jails and sub-jails.
  - Prisoners' homes.
  - Reformatories.
- Justices of Peace.
- Kazis Act.
- Law officers.
- Madras Motor Vehicles Taxation Act.
- Malabar and Rampa Rebellion prisoners.
- Petitions for mercy from sentences of death.

Provincial subjects—cont.

Petitions from convicts including Port Blair convicts.
Preventive detention and persons subject to such detention.
Prisoners.
Prisons Act and rules thereunder.
Provincial law reports.
Stage Carriages Act.
Theatres, Dramatic performances and cinematographs.
Towns Nuisances Act.
Village Courts Act.

Concurrent subjects—

Administrator-General and Official Trustee.
Adoption.
Arbitration.
Bankruptcy and insolvency.
Cinematograph films for exhibition.
Civil Procedure including the law of Limitation and all matter included in the Code of Civil Procedure at the date of the passin of the Government of India Act, 1935.
Criminal law including all matters included in the Indian Pen Code at the date of the passing of the Government of India Act 1935.
Criminal Procedure including all matters included in the Code c Criminal Procedure at the date of the passing of the Goverr ment of India Act, 1935.
Criminal tribes.
European Vagrancy Act.
Evidence and oaths.
Indian Christian Marriage Act.
Indian Poisons Act.
Infants and minors.
Insolvency Act and Rules.
Jurisdiction and powers of all courts except the Federal Court with respect to any of the matters in the concurrent legislativ list.
Marriage and Divorce.
Mechanically propelled vehicles.
Poisons and dangerous drugs.
Prevention of Cruelty to Animals Act.
Prisoners and accused persons—Removal from one unit to anothe unit.
Recognition of laws, Public Acts and records and judicial proceed ings.
Royal Humane Society.
Transfer of property other than agricultural land.
Trusts and Trustees.
Wils, intestacy and succession save as regards agricultural land.

Federal subjects—

Admission into, and emigration and expulsion from, India, includ ing in relation thereto the regulation of the movements in Indi of persons who are not British subjects domiciled in India, subject of any Federated State, or British subjects domiciled in the United Kingdom.
Arms, firearms, ammunition and explosives.

Federal subjects—cont.

Extradition including the surrender of criminals and accused persons to parts of His Majesty's Dominions outside India.

Foreign missions.

Migration within India.

Naturalization.

Passports including certificates of identity and visas.

Petroleum and other liquids and substances declared by Federal law to be dangerously inflammable so far as regards possession, storage and transport.

Pilgrimages to places beyond India including Hedjas.

State lotteries.

10. THE HON. MR. B. GOPALA REDDI, Minister for Local Administration. Took his seat on 14th July 1937 and is in charge of the llowing portfolios:—

Provincial subjects—

Appeals from employees of local boards and municipal councils other than educational, medical and public health staff.

Capitation taxes, taxes on professions, trades, callings and employments.

Cesses on the entry of goods into a local area.

Charities and charitable institutions.

Corporation of Madras.

Local boards—General administration and all matters relating to them not specifically assigned to other departments.

Local bodies—Audit reports of.

Local self-government including village administration and panchayats.

Monigar Choultry.

Municipal councils—

General administration and all matters relating to them not specifically assigned to other departments.

Taxes on animals.

Taxes on land and buildings, hearths and windows.

Taxes on luxuries, including taxes on entertainments, amusements, betting and gambling.

Taxes on the sale of goods and on advertisements.

Tolls.

Tramways within municipalities.

Federal subjects—

Local self-government in cantonment areas.

PRINCIPAL OFFICERS OF THE MADRAS LEGISLATIVE COUNCIL.

President.

THE HON. DR. U. RAMA RAO.

Deputy President.

M.R.RY. K. VENKATASWAMI NAYUDU GARU.

Panel of Chairmen.

1. KHAN BAHADUR SIR MAHOMED USMAN SAHIB BAHADUR.
2. RT. HON. V. S. SRINIVASA SASTRI.
3. MR. R. SRINIVASA AYYANGAR.
4. MR. P. PEDDI RAJU.

Secretary to the Council.

M.R.RY. D. K. V. RAGHAVA VARMA GARU, B.A., B.L.

ALPHABETICAL LIST OF MEMBERS OF THE MADRAS LEGISLATIVE COUNCIL.

	Name of member.	Name and class of constituency.
1	Abdul Wahab, Munshi ..	Madras North, Muhammadan.
2	Abdul Wahab Bukhari, Syed.	Madras North Central, Muhammadan.
3	Ahmed Meeran, S. K.	Madras South, Muhammadan.
4	Alagannan Chettiyar, Rao Sahib A. S.	Madura, General.
5	Bheema Rao, B.	Bellary, General.
6	Birley, Sir Frank	European.
7	Daivasigamani Mudaliyar, Diwan Bahadur K.	Chingleput, General.
8	Ganga Raju, V. alias Gangayya.	West Godavari, General.
9	Gonsalves, S. J.	Indian Christian.
0	Gulam Jilani Quraishi, Khan Bahadur Moulvi.	Madras South Central, Muhammadan.
1	Hamid Sultan Marakkayar, Khan Bahadur.	Madras South Central, Muhammadan.
.2	Hensman, Mrs. Mona.	NOMINATED.
3	Kumaraswami Mudaliyar, Medai Dalavoi.	Tinnevelly, General.
4	Madhava Menon, K.	Malabar, General.
5	Mallikarjunudu, K. P. ..	Kistna, General.
6	Mammu Keyi, C. P.	Madras West Coast, Muhammadan.
17	Manjaya Hegde, D.	South Kanara, General.
18	Moidu, Khan Bahadur T. M. ..	Madras West Coast, Muhammadan.
19	Narayana Menon, M.	Malabar, General.
20	Narayana Rao, M.	Anantapur, General.
21	Narayanaswami Nayudu, B. ..	Kistna, General.
22	Peddi Raju, P.	West Godavari, General.
23	Perumalswami Reddiyar, C. ..	North Arcot, General.
24	Rajan, The Hon. Dr. T. S. S. (*Minister*).	NOMINATED.
25	Ramakrishna Reddi, Rao Bahadur M.	Chittoor, General.
26	Ramalingam Chettiyar, T. A. ..	Coimbatore *cum* Nilgiris, General.
27	Ramalinga Reddi, Dr. C. ..	NOMINATED.
28	Raman, Rao Bahadur M. ..	NOMINATED.
29	Ramanathan Chettiyar, S. A. S. Rm.	Tanjore, General.
30	Rama Rao, The Hon. Dr. U. (*President*).	Madras City, General.
31	Rangaswami Ayyangar, A. ..	Ramnad, General.

Name of member.	Name and class of constituency.
32 Runganathan, Diwan Bahadur S. E.	Indian Christian.
33 Saldanha, Jerome A.	Indian Christian.
34 Samiappa Mudaliyar, Rao Bahadur N. R.	Tanjore, General.
35 Sankara Reddi, N.	Kurnool, General.
36 Satagopa Mudaliyar, S. K. ..	Salem, General.
37 Sivasubramania Ayyar, K. S. ..	Tanjore, General.
38 Srinivasa Ayyangar, K. V. ..	Trichinopoly, General.
39 Srinivasa Ayyangar, R. ..	South Arcot, General.
40 Srinivasa Ayyangar, T. C. ..	Ramnad, General.
41 Srinivasan, Diwan Bahadur R.	NOMINATED.
42 Srinivasa Sastri, P.C., C.H., The Right Honourable V. S.	NOMINATED.
43 Sriramamurti, D.	East Godavari, General.
44 Subba Raju, Nadimpalli ..	East Godavari, General.
45 Subbarama Reddi, L.	Nellore, General.
46 Subba Rau, L.	East Godavari, General.
47 Thomas, Dr. P. J.	NOMINATED.
48 Usman, K.C.I.E., Khan Bahadur Sir Mahomed.	NOMINATED.
49 Vasanta Rao, Rao Bahadur V.	Cuddapah, General.
50 Veerabhadraswami, P. ..	Vizagapatam, General.
51 V nkatachalamaji, N.	Vizagapatam, General.
52 V nkata Jogayya Pantulu, V.	Vizagapatam, General.
53 V nkatapunnayya, V.	Guntur, General.
54 Venkata Reddi Nayudu, K.C.I.E., Rai Bahadur Dr. Sir Kurma.	NOMINATED.
55 Venkataswami Nayudu, K. (*Deputy President*).	Madras City, General.

THE MADRAS LEGISLATIVE COUNCIL.

SECOND SESSION OF THE FIRST LEGISLATIVE COUNCIL.

Tuesday, the 21st December 1937.

The Council met at eleven of the clock, in the Council Chamber, Fort St. George, Mr. President (THE HON. DR. U. RAMA RAO) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Measures taken by Government for the welfare of labourers in coffee and tea estates on hills.

* 1 *Q.*—MR. J. A. SALDANHA: Will the Hon. the Minister for Industries and Labour be pleased to state with reference to his answer to my question No. 1, given on 31st August 1937—

(*a*) whether on the representation of a deputation of the Harijans during his visit to Mangalore and on enquiry, facts have come to his notice that measures should be adopted for the welfare of labourers in coffee and tea estates on the hills in this Presidency; and

(*b*) if so, what measures the Government have decided to take?

THE HON. MR. V. V. GIRI:—" (*a*) Yes.

" (*b*) Matters are being considered by Government."

Representation of Indian Christians in public service and the application of the communal Government Order in regard to the appointment of the lecturing staff of the Madras Law College.

* 2 *Q.*—MR. J. A. SALDANHA: Will the Hon. the Prime Minister be pleased—

(*a*) to refer to the statement of communal representation in Government services printed on page 214 of the Report of the Administration of the Madras Presidency for 1935–36 and place before the House a statement showing the number of Indian Christians in the several departments on 1st April 1936 and 1st April 1937; and to state—

(*b*) whether recently, with a view to fill in two vacancies in the lecturing staff of the Law College, the Madras Public Service Commission recommended the names of only four Brahmans and what action have the Government taken on the recommendation; and

(*c*) whether the communal Government Order does not apply to the appointments referred to in clause (*b*)?

THE HON. MR. C. RAJAGOPALACHARIAR:—" (*a*) The attention of the hon. Member is invited to the returns of officers under the Government of Madras who held permanent and temporary acting or probationary appointments in the several departments on the 1st April of each of the years 1924 to 1937 sent by post to all the hon. Members on 11th November 1937.

" (*b*) The Madras Public Service Commission recommended the names of four candidates arranged in a certain order of preference for filling up two vacancies of lecturers in the Madras Law College. The first two in the said order of preference recommended by the Service Commission were appointed by the Government. Government desire to remind the hon. Member that recommendations of the Public Service Commission should generally be considered confidential as explained on the floor of the House in 1933 * and that the present answer should not be made a precedent.

" (*c*) The answer is in the negative."

MR. J. A. SALDANHA:—" May I enquire whether the Government have under contemplation any proposal to extend the communal orders in regard to Law College appointments also? "

THE HON. MR. C. RAJAGOPALACHARIAR:—" I must say not, Sir, but if that is the suggestion, it will be considered."

DR. C. RAMALINGA REDDI:—" Arising out of the answer given by the Prime Minister, may I ask for a ruling from you whether questions relating to the confidential recommendations of the Public Service Commission would in future be regarded as inadmissible? "

THE HON. MR. C. RAJAGOPALACHARIAR:—" I had said, Sir, in answer to the question that though I have answered the question this time, it is desirable that such questions should not be put or answered, and that this should not become a precedent. Otherwise the whole work of the Public Service Commission would become impossible."

DR. C. RAMALINGA REDDI:—" I am in agreement with my Hon. Friend and my humble submission is, Sir, that you will kindly refuse to admit them if you think that that is justified under the rules or conventions."

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* Vide answer to Legislative Council Question No 336 at pages 522–524 of the Proceedings of the Madras Legislative Council, Fourth session, Volume LXVIII, 1933.

21st December 1937]

General scheme for giving fixity of tenure to all classes of tenants.

* 3 *Q.*—MR. J. A. SALDANHA: Will the Hon. the Minister for Revenue be pleased to refer to his answer to a supplementary question on page 73 of Volume II, No. 2 of the Madras Legislative Council debates and to state whether the general scheme in connexion with the ryotwari tenure contemplates giving fixity of tenure to all classes of tenants under ryots and when the House may expect the scheme to be placed before it?

THE HON. MR. T. PRAKASAM:—"The question is still under the consideration of the Government together with the recommendations of the Land Revenue Committee."

MR. J. A. SALDANHA:—"May I enquire, Sir, whether Government have ascertained whether there is rack-renting and arbitrary ejection of tenants in South Kanara and other districts where the ryotwari system is in vogue, so as to necessitate the introduction of some relief measure for the security of tenure to tenants in such areas as those under the Malabar Tenancy Act."

THE HON. MR. T. PRAKASAM:—"I have no definite information on the question, but I think in most places, as stated by the hon. Member, there is rack-renting. In view of all these things, the matter will be considered by the Government in due course."

Constitution of committees or boards in respect of ports administered under the Indian Ports Act and the Madras Outports Landing and Shipping Fees Act, 1885.

* 4 *Q.*—MR. J. A. SALDANHA: Will the Hon. the Minister for Public Works be pleased to place before the House a statement showing the various ports administered under the Indian Ports Act in this Presidency, the committees or boards with the number of ex-officio officials and non-officials with reference to such ports as well as those administered under the Madras Outports Landing and Shipping Fees Act, 1885, the number of non-officials, if any, elected, the total income and expenditure of each in 1936–37 and state whether the Government have framed any rules by which the several committees and boards are administered and where they are published?

THE HON. MR. YAKUB HASAN:—"Two statements[a] are laid on the table. Paragraph 281 of the Madras Port Manual lays down the constitution and powers of the Landing and Shipping Fees Committees. Paragraph 282 ibid defines the constitution, etc., of the Port Conservancy Board, Cocanada. Similar provisions have been framed for the Boards at Negapatam, Calicut and Mangalore."

MR. J. A. SALDANHA:—"May I draw the attention of the Hon. Minister to the statements Nos. I and II published as Appendices and explain . . ."

[a] Printed as Appendix I on pages 91–92 infra.

Mr. PRESIDENT:—"I want the hon. Member to put a supplementary question; no speech is allowed."

Mr. J. A. SALDANHA:—"I want to know why the Landing and Shipping Fund is provided for under the Indian Ports Act, for I find in the statement No. II reference to Landing and Shipping Fund. That should naturally come under the Landing and Shipping Act."

The Hon. Mr. YAKUB HASAN:—"I do not understand what the hon. Member means. I have already given the information he had asked for."

Measures for the relief of indebtedness of industrialists.

* 5 *Q.*—Mr. J. A. SALDANHA: Will the Hon. the Minister for Industries and Labour be pleased to refer to the various suggestions made in my Budget speech on page 128 of the Legislative Council Debates, Volume II, for the relief of indebtedness of industrialists employing large number of labourers and to state what steps the Government have decided to take thereon, viz.—

(*a*) moratorium;

(*b*) to amend the Civil Procedure Code so as to give powers to courts to give instalments in the case of debts decreed; and

(*c*) reduction of interest?

The Hon. Mr. V. V. GIRI:—"The proposal to declare a moratorium in respect of the debts due from industrialists employing a large number of labourers has not been considered by Government. With regard to item (*b*) in the question, the attention of the hon. Member is invited to sub-rule (2) of rule 11 of Order XX in the First Schedule to the Civil Procedure Code. As regards item (*c*), the question of fixing the rates of interest for future loans is now under the consideration of Government."

Mr. J. A. SALDANHA:—"May I enquire, Sir, whether any legislation is proposed to be introduced for the reduction of interest?"

The Hon. Mr. V. V. GIRI:—"That matter is being considered."

Government grants for the introduction of compulsory education in municipalities and local boards.

* 6 *Q.*—Mr. J. A. SALDANHA: With reference to the answers to the various points given on 1st September 1937 to my question No. 33, will the Hon. the Minister for Education and Legal Departments be pleased to state what the Government grants are for introducing compulsory education in municipalities and local boards?

The Hon. Dr. P. SUBBARAYAN:—"Separate grants toward the cost of introducing compulsory elementary education are given to the District Boards, Malabar and Chingleput, as detailed below:—

	RS.	
District Board, Malabar	32,203	a year.
District Board, Chingleput	34,017	,,

In the case of other local bodies no such grants are given from Provincial Funds. The cost on account of the introduction of compulsory education is met by those bodies from their elementary education funds to which all grants given by Government for elementary education are credited."

MR. J. A. SALDANHA:—" May I enquire whether the Boards other than Malabar and Chingleput, have got adequate funds for the purpose of expanding free and compulsory education? "

THE HON. DR. P. SUBBARAYAN:—" I do not think so."

DR. C. RAMALINGA REDDI:—" May I ask, Sir, whether it is not a statutory obligation on the part of the Government to give grants-in-aid to local bodies in respect of compulsory education? "

THE HON. DR. P. SUBBARAYAN:—" It is not part of the Act—Davidson Act—in the first place. But, Government contribute as much as the local bodies are able to find by way of levy of the Education Cess."

RAO BAHADUR M. RAMAKRISHNA REDDI:—" May I ask, whether Government propose to introduce compulsory education in any local board or municipality next year? "

THE HON. DR. P. SUBBARAYAN:—" There is no such proposal at present."

MR. J. A. SALDANHA:—" May I know what progress is possible under the present policy of not giving this aid to local boards for compulsory education? "

THE HON. DR. P. SUBBARAYAN:—" The hon. Member must understand that the whole question is at present under consideration."

Publication of an Industrial Guide.

* 7 *Q.*—MR. J. A. SALDANHA: Will the Hon. the Minister for Industries and Labour be pleased to refer to the answer to my starred question No. 21 given on the 31st August 1937 and to state—

(*a*) whether the information has been received; and

(*b*) what steps the Government have decided to take for the publication of an Industrial Guide or handbook and bulletins for guidance to the public in industrial concerns and to give a list of them?

THE HON. MR. V. V. GIRI:—" (*a*) Yes.

" (*b*) The information collected by the Department of Industries on industrial subjects is published from time to time in the form of bulletins. A list * of bulletins (New Series) issued by the Department and available with the Superintendent, Government

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* Printed as Appendix II on pages 93–94 infra.

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Press, is placed on the Table. Copies can be obtained from the Superintendent on payment. Copies of these bulletins are also available for reference by hon. Members in the Library of the Legislature. The Government have not considered it necessary to publish an Industrial Guide or handbook.

"I may add this also as a supplementary answer. In the recent Industries Conference it was generally felt that this proposal was a good proposal and it will be considered by the Government."

Amount of remission granted for the area irrigated by the Badvel-Lakshmipalayam tank in Cuddapah district.

* 8 *Q.*—MR. V. VASANTA RAO: Will the Hon. the Minister for Revenue be pleased to state how many times during the last quarter of a century were remissions granted in respect of the entire area irrigated by the Badvel-Lakshmipalayam tank in Cuddapah district and what the total amount is for these 25 years?

THE HON. MR. T. PRAKASAM:—"The Government have no information."

Proposals, if any, under contemplation to abolish posts of commissioners of municipalities.

* 9 *Q.*—MR. V. VASANTA RAO: Will the Hon. the Minister for Local Administration be pleased to state—

(*a*) whether it is under contemplation to abolish the posts of commissioners in all the municipalities; and

(*b*) if not, whether there is a proposal to abolish the posts with regard to such of those municipalities whose annual income is less than 2 lakhs?

THE HON. MR. B. GOPAL REDDI:—"(*a*) & (*b*) The answer is in the negative."

Kodur Fruit Farm and its business outturn.

* 10 *Q.*—MR. V. VASANTA RAO: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(*a*) the amount spent as initial outlay on the Kodur Fruit Farm in Cuddapah district;

(*b*) the expenditure on establishment each month; and

(*c*) whether it is proving a business success in that the return is proportionate to the money spent?

THE HON. MR. V. I. MUNISWAMI PILLAI:—"(*a*) The amount spent as initial or capital outlay on the Kodur Fruit Farm up to the end of October 1937, is Rs. 13,829. This excludes a sum of Rs. 12,900 spent by the local Government on the purchase of the land

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"(b) The establishment charges including the salary of the Superintendent per month amount to Rs. 550.

"(c) In a Research Station like this, it is not possible to expect as much income as from a commercial garden. Further in a research scheme relating to a perennial crop like fruit, results of practical value, are not usually obtained except after a very long period of time. It is however hoped that when all the fruit trees come to bearing stage, the station will be producing an annual gross income of about Rs. 6,400."

Seizure of some books from the Saraswathi Sangam in Puduvayal, Ramnad district.

* 11 *Q.*—MR. A. RANGASWAMI AYYANGAR: Will the Hon. the Prime Minister be pleased to state—

(a) whether the Government are aware of the fact that on 18th August 1937 the police entered the premises of the Saraswathi Sangam, Puduvayal, Ramnad district, and took away several books;

(b) whether any of those books was proscribed;

(c) whether the Government will explain the circumstances under which the search was made and state the names of the books taken; and

(d) whether the seizure was made under the orders of this Government?

THE HON. MR. C. RAJAGOPALACHARIAR:—"(a) to (d) The attention of the hon. Member is invited to the answer given to Starred Question No. 106 on 30th September 1937 regarding the search of the Bharathi Library at Nattarasankottai. The Government understand that the premises of the Saraswathi Sangham Puduvayal, was searched in the same connexion, and the following proscribed books seized:—

(1) Indiavin Sutantira Pore.
(2) Bharathi Jyothi.
(3) The Frontier Gandhi.
(4) The Cawnpore Riot.
(5) Sardar Patel.
(6) India Kádansumai.
(7) Congress Charitram.

Free distribution of cotton seeds to cotton cultivators.

* 12 *Q.*—MR. P. VIRABHADRASWAMI: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state whether the Government have issued instructions to the Agricultural department to issue cotton seeds to cultivators free of cost to encourage cotton growth?

THE HON. MR. V. I. MUNISWAMI PILLAI:—"The answer is in the negative."

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Scales of pay of clerks in municipal and local board service.

• 13 *Q.*—MR. P. VIRABHADRASWAMI: Will the Hon. the Minister for Local Administration be pleased to state whether the Government propose to pass orders fixing the number and scales of pay of all clerical staff in the municipal and local board service?

THE HON. MR. B. GOPALA REDDI:—" Government have already passed orders fixing the designations, strength and scales of pay of the clerical staff under district boards. Similar orders in the case of the clerical establishments under municipal councils will be issued in due course. Power to fix the strength, designation and scales of pay of the clerical staff under panchayat boards has been delegated to the Inspector."

Andhras transferred from the Revenue Department of Madras Presidency to Orissa Province.

• 14 *Q.*—MR. P. VIRABHADRASWAMI: Will the Hon. the Minister for Revenue be pleased to state—

(*a*) how many Andhras who were formerly employed in the Revenue Department of this Province are now working in the Collector's offices in the Revenue Department in the Koraput division of the Orissa Province; and

(*b*) whether the Government will place a list of those people with their services?

THE HON. MR. T. PRAKASAM:—" (*a*) & (*b*) The Government have no information. The collection of the information required involves a number of references to authorities outside the Province and also considerable labour and time."

Alleged delay in the payment of Provident Fund amounts of teachers in non-pensionable service.

• 15 *Q.*—MR. P. VIRABHADRASWAMI: Will the Hon. the Minister for Education and Legal Departments be pleased to state—

(*a*) if it is a fact that, according to a rule relating to the Provident Fund for teachers in non-pensionable services, a teacher on his quitting the fund or his assignee, in case of his death, is not permitted to withdraw the amount standing at his credit in the post office savings bank immediately after the account is ordered to be closed by the District Educational Officer but has to wait till the Government contribution bill is prepared and passed by the Accountant-General;

(*b*) if it is a fact that prior to 1933 teachers or their assignees were permitted to withdraw the amounts standing at their credit in the post office savings bank account soon after the account was ordered to be closed by the District Educational Officer and that a bill for Government contribution was prepared subsequently for the sanction of the Accountant-General though it was received a long time thereafter; and

(c) what administrative difficulties were felt for necessitating the change of the procedure?

THE HON. DR. P. SUBBARAYAN :—" (a) Yes.

" (b) Yes.

" (c) In an amendment made to the Post Office Manual in 1932, it was laid down that used up and closed pass books of depositors in the post office savings bank should be forwarded by the Postmasters concerned to the Deputy Accountant-General, Posts and Telegraphs, for record. With reference to this rule, the pass book of a depositor has to be sent to the Deputy Accountant-General as soon as the amount standing at his credit in the post office is drawn. As the Accountant-General has to check the bill relating to Government contribution with reference to the entries in the pass book, the book has first to be sent to him; the amount outstanding in the post office can be drawn only after the pass book is returned. This accounts for the change in the procedure."

Fixation of the term of office of the Members of the Madras Legislative Council.

* 16 Q.—MR. R. SRINIVASA AYYANGAR: Will the Hon. the Prime Minister be pleased to state—

(a) the principle on which the term of office of the Members of the Legislative Council was fixed;

(b) whether he will lay on the table a statement containing the particulars regarding the area, population, revenue assessment and voting strength of the general and special constituencies districtwar;

(c) whether it is a fact that the members of some districts whose voting strength was below 500 had been given a period of six or nine years, and if so, to specify those districts;

(d) whether it is a fact that representatives of some districts having a voting strength of over 700 were given only three years, and if so, to mention them;

(e) the reason for making a distinction between the Madras City and Malabar by allotting nine and six years to the former and three and six years to the latter though the voting strength of the former was less than that of the latter by about 1,800 votes;

(f) whether it is a fact that the Malabar constituency topped the list in respect of the number of voters that actually polled;

(g) the reasons for allotting nine years to Bellary and North Arcot whose voting strength was below 450 as against three years allotted to Chingleput and South Arcot;

(h) whether it is a fact that Guntur, Anantapur and Chittoor districts which have been allotted six years have less votes than Chingleput and South Arcot;

(i) the reasons for giving Chittoor, Guntur and Trichinopoly, six years denying the same to some districts; and

(*j*) whether to redress the palpable inequalities and do substantial justice, any action has been or is proposed to be taken?

THE HON. MR. C. RAJAGOPALACHARIAR:—" (*a*) & (*j*) The constituencies were arranged in geographical order and the term of office of the Members of the Legislative Council was fixed at 3, 6 and 9 years in regular succession so as to apportion the different tenures evenly throughout the province. There is no proposal to revise this arrangement.

" (*b*) A statement containing the information [a] is placed on the table. In regard to the Muhammadan, European and Indian Christian constituencies, the number of voters is given by constituencies as figures by districts are not available.

" (*c*) *to* (*i*) In view of the answer to clause (*a*) the Government do not consider any answer to these clauses is called for. The hon. Member is referred to the letter sent to him already on the subject No. 26989/1, Public (Elections), dated 18th August 1937, wherein it was explained that the tenure was fixed geographically and not on voting strength. It is not right in the opinion of Government to treat representation as the right of those on the electoral roll only. The function is exercised on behalf of all the inhabitants of an area."

Pedda Settipalli channel, Proddatur, Cuddapah district, and the extent of land intended for irrigation under that channel.

* 17 *Q.*—MR. V. VASANTA RAO: Will the Hon. the Minister for Public Works be pleased to state—

(*a*) (1) the estimated amount for digging the Pedda Settipalli channel, Proddatur taluk, Cuddapah district, and (2) the amount already spent;

(*b*) the date by which the channel was expected to be completed and the reason for the delay;

(*c*) the extent of land that the channel is intended to irrigate;

(*d*) whether any applications for inclusion under the channel ayacut have been refused; and

(*e*) whether any contribution was received from the ryots for the purpose of renovating the channel?

THE HON. MR. YAKUB HASAN:—" (*a*) (1) Rs. 44,900.

(2) Rs. 26,916 to end of 1936–37.

" (*b*) The work was expected to be completed in 1936–37. Owing to rains and delay in handing over the lands required for the work after acquisition, progress of work was retarded. The work will be completed during 1938–39.

" (*c*) Five hundred and forty-one acres.

" (*d*) The Government have no information.

" (*e*) The answer is in the affirmative."

[a] Printed as Appendix III on page 95 infra.

Number of village officers holding appointments on the basis of hereditary rights.

* 18 *Q.*—Diwan Bahadur R. SRINIVASAN: Will the Hon. the Minister for Revenue be pleased to state—

(*a*) the number of headmen or monegars;

(*b*) the number of accountants or karnams; and

(*c*) the number of munsifs in villages of this province holding appointments on the basis of hereditary rights?

The Hon. Mr. T. PRAKASAM:—"(*a*), (*b*) & (*c*) A report has been called for from the Board of Revenue in respect of headmen and karnams. As regards village munsifs, they are appointed under the Village Courts Act and in a large number of cases, holders of hereditary posts of village headmen are also appointed as village munsifs under that Act."

Commutation of hereditary rights of holding inam lands by village officers into monthly salary.

* 19 *Q.*—Diwan Bahadur R. SRINIVASAN: Will the Hon. the Minister for Revenue be pleased to state—

(*a*) whether the hereditary rights of holding (inam) lands granted to village officers for services rendered, were commuted into monthly salary; and

(*b*) if so, when?

The Hon. Mr. T. PRAKASAM:—"(*a*) & (*b*) Village officers have never enjoyed 'hereditary rights of holding inam lands.' Inam lands were held by village officers (whether hereditary or not) subject to the condition of service. When the lands were enfranchised from the condition of service, quit rent was imposed on them and this, supplemented by other sources of revenue, was formed into a village service fund, from which money salaries were paid. Money salaries were introduced in ryotwari areas between 1859 and 1865 and in proprietary areas about 1901. The village service fund was abolished in 1906 in ryotwari areas and in 1912 in proprietary areas and its balances and sources of income were merged in the general revenues. The village officers are now paid money salaries from the general revenues. The enfranchisement of inams and the introduction of money salaries are independent of the hereditary rights to village offices governed by Act II of 1894 and Act III of 1895 in certain areas (both ryotwari and proprietary) in this Presidency. They were applied to all village offices whether hereditary or not."

Appointment of Mr. Rajamanikkam Chettiyar of Tanjore an Mrs. Arthur Thambiraj of Tiruvarur as members of the Distric Educational Council, Tanjore.

• 20 *Q.*—RAO BAHADUR N. R. SAMIAPPA MUDALIYAR: Wil the Hon. the Minister for Education and Legal Departments be please to state—

(*a*) whether it is a fact that the Government have recentl appointed one Mr. Rajamanikkam Chettiyar of Tanjore and Mrs. Arthu Thambiraj of Tiruvarur as members of the District Educational Council Tanjore;

(*b*) if so, whether the Government have consulted the Collecto or the District Educational Officer or the President of the Distric Educational Council before appointing them;

(*c*) whether the Government have asked any of the local officers viz., Collector, District Educational Officer or President, District Edu cational Council, to recommend suitable names for appointment;

(*d*) whether both or one of them applied for the appointment;

(*e*) what their educational and other qualifications are; and

(*f*) to which political party they belong?

THE HON. DR. SUBBARAYAN:—" (*a*) The answer is in the affirmative.

" (*b*) The answer is in the negative.

" (*c*) Presidents of District Educational Councils have been asked to suggest the names of candidates for vacancies reserved for nomination.

" (*d*) The answer is in the negative.

" (*e*) M.R.Ry. K. Rajamanickkam Chettiyar Avargal is a member of the Municipal Council, Tanjore. Mrs. Arthur Thambiraj is a member of the East Tanjore District Board Education Committee.

" (*f*) Government have no information."

RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—" May I ask, Sir, whether the Hon. Minister is not aware that Mr. Rajamanikkam Chettiyar resigned his All-India Congress Committee membership in order to get himself elected? "

THE HON. DR. P. SUBBARAYAN:—" It is not true. He resigned his membership of the All-India Congress Committee, but not in favour of any particular person, as the election of a member to the All-India Congress Committee is in the hands of the Provincial Congress Committee."

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Names of persons appointed to the District Educational Councils after 14th July 1937.

* 21 *Q.*—Rao Bahadur N. R. SAMIAPPA MUDALIYAR: Will the Hon. the Minister for Education and Legal Departments be pleased to state the names of persons appointed to the District Educational Councils in the Presidency after 14th July 1937 up to this date?

The Hon. Dr. P. SUBBARAYAN: " A list [a] of the names is placed on the table."

Rao Bahadur N. R. SAMIAPPA MUDALIYAR:—" May I know whether with regard to any of these appointments, the local officers have been consulted? "

The Hon. Dr. P. SUBBARAYAN:—" It is impossible to say, whether Local officers were consulted. Government do consult when they think it necessary to do so."

Famine in Ceded districts and amount spent for relief work.

* 22 *Q.*—Mr. M. NARAYANA RAO: Will the Hon. the Minister for Revenue be pleased to state—

(*a*) how often did famine visit the Ceded districts during the past fifty years;

(*b*) what the amount spent by the Government is in respect of each of the four districts on such occasions;

(*c*) whether during those years the Government undertook any constructive schemes of irrigation involving capital expenditure; and

(*d*) (i) what the amount spent was in the famine of 1934–35 in Anantapur and Bellary districts; and

(ii) what the amount spent is for the establishment charges alone that year and what proportion does it bear to the amount spent for relief purposes?

The Hon. Mr. T. PRAKASAM:—(*a*) *to* (*c*) In 1876–78 there was famine in Ceded districts as also in several other districts in the Presidency. The Bellary-Hubli line was constructed at a cost of Rs. 6,45,710 as a famine relief work. In 1891–92 there was famine in Cuddapah. In 1896–97 there was again severe famine in Cuddapah, Bellary, Kurnool and Anantapur districts. The figures for the amounts spent are not available. In 1921 famine occurred in parts of Kurnool, Bellary and Anantapur districts and the cost of relief amounted to Rs. 11,06,295. In 1926–28 famine visited the Ceded districts and the amount spent on relief then was Rs. 4,73,638. In 1931 and 1934 there was again famine in parts of the Ceded districts. Further particulars are not available and will be called for if required.

(*d*) In 1934–35 the expenditure was nearly Rs. 17 lakhs, of which the establishment charges amount to about a lakh of rupees.

[a] Printed as Appendix IV on page 96 infra.

UNSTARRED QUESTIONS

Number of clerks discharged from Settlement Party No. III and their allotment to the Revenue department of South Kanara.

1 *Q.*—MR. J. A. SALDANHA: Will the Hon. the Minister for Revenue be pleased to state—

(*a*) what the number is of clerks discharged from the Settlement Party No. III;

(*b*) how many of them were allotted to the Revenue department in South Kanara by the orders of the Revenue Board;

(*c*) how many of them were from other districts admitted into the Revenue department of South Kanara;

(*d*) whether it is a fact that there has been an admission of an excessive number of ex-Settlement clerks in the Revenue department of South Kanara; and

(*e*) what proportion of the importation of ex-Settlement department clerks the Government propose to permit?

A.—(*a*) It is presumed that the hon. Member refers to the recent discharge of men consequent on the stoppage of resettlement operations. Twenty-three clerks were discharged on 1st September 1937. No information is available regarding the discharge, if any, effected subsequent to that date.

(*b*) Four permanent men of the Settlement Parties were allotted to the Revenue department in the district. In addition to these three temporary men have been allotted to the district, but they are eligible for re-employment in all the departments of the Government in the district except the Public Works department and the Local Fund Audit department. There is no information as to how many of these have been appointed in the Revenue department.

(*c*) Government have no information.

(*d*) The number of ex-Settlement clerks allotted to the district cannot be called excessive.

(*e*) The Government do not propose to fix any such proportion.

Allotment of the discharged men is made, as far as possible, equally to all the districts with reference to the linguistic qualifications of the men.

Delay in filling up vacancies arising in the Revenue department of South Kanara.

2 *Q.*—MR. J. A. SALDANHA: Will the Hon. the Minister for Revenue be pleased to state—

(*a*) whether it is a fact that when permanent vacancies occur in the Revenue department of South Kanara, many of them are not filled up for twelve to fourteen months and even longer;

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(b) whether such permanent vacancies of some fifteen substantive appointments of clerks in South Kanara have not been filled up during the last six months; and

(c) what the grounds are for such delay?

A.—(a) *to* (c) The Government have no information.

Frequent transfers of clerks in the Revenue department of South Kanara from one taluk to another.

3 *Q.*—MR. J. A. SALDANHA: Will the Hon. the Minister for Revenue be pleased to state—

(a) whether there are constant transfers of clerks in the Revenue department of South Kanara from one taluk to another; and

(b) whether there is any scheme or whether the Government propose to inaugurate a scheme by which such transfers may be obviated?

A.—(a) The Government have no information.

(b) The Government have requested all heads of departments and other controlling officers to see that transfers of officers are made only where they are really necessary and that long distance transfers are avoided as far as possible.

Grievance of probationary clerks in the Revenue department relating to their service not being treated as pensionable service.

4 *Q.*—MR. J. A. SALDANHA: Will the Hon. the Minister for Revenue be pleased to state—

(a) whether it is a fact that the continued probationary service of clerks in the Revenue department for several years is not treated as pensionable service; and

(b) whether the Government have taken any action to remedy this grievance of Revenue department probationary clerks?

A.—(a) & (b) Probationary, officiating or temporary service does not count for pension in any department of the Government unless such service satisfies certain conditions laid down in the Civil Service Regulations. A proposal to allow the clerks of the Revenue department to count for pension their continuous acting service after the completion of their probation was considered by the Government in February 1937 at the instance of the Board of Revenue but in view of the large increase in pensionary liabilities involved, the Government were unable to accept it.

Bill drafted by Government in 1930, *relating to the administration of minor ports and the reasons why it was not proceeded with.*

5 *Q.*—MR. J. A. SALDANHA: Will the Hon. the Minister for Public Works be pleased to refer to my Budget speech at pages 125 and 126, Volume II of the Legislative Council debates in the light of answers

to my questions on pages 18-19 of the late Madras Legislative Council Proceedings, Volume LIII, and to state—

(*a*) what has become of the Bill in connexion with the administration of minor ports drafted by the Government in 1930;

(*b*) why it was not proceeded with; and

(*c*) what action the Government have decided to take on the suggestion in my speech above referred to?

A.—(*a*) The Bill was dropped in 1934.

(*b*) The Presidency Port Officer considered that legislation in the matter of amending or replacing the Madras Outports Landing and Shipping Fees Act, 1885 (III of 1885), was neither necessary nor desirable and the Government concurred in this view.

(*c*) The Government do not propose to take any action at present.

Representation of the janmis of Malabar, regarding the working of the Malabar Tenancy Act.

6 *Q.*—MR. J. A. SALDANHA: With reference to the answer given to my question No. 31 on 1st September 1937 will the Hon. the Minister for Revenue be pleased to place before the House a summary of the representations of the janmis of Malabar as to the difficulties found in the working of the Malabar Tenancy Act, and to state whether the rejoinder of their tenants has been called for and what other action has been taken?

A.—The representations made by the janmis were—

(i) that Malabar Tenancy Act did not confer on the janmis the right to compel their tenants to renew the lease while the tenant could exercise this right under the Act;

(ii) that while the assessment due to the Government by the janmi was recoverable summarily, and a similar power was given to the landholders in proprietary estates under the Madras Estates Land Act, the janmi could recover the rents from the tenant only by a civil suit; and

(iii) that it was anomalous that the janmi could not claim any fair rent for the jack tree while under the settlement principles assessment was levied on the basis of jack trees.

In regard to requests (i) and (ii) the Government decided that that no action was necessary except to frame rules prescribing a summary procedure for the trial of suits for the recovery of rent and investing courts of original jurisdiction with summary powers. Rules have accordingly been framed and have been laid on the table of the legislature. As regards the anomaly pointed out by the janmis in regard to the treatment of lands planted with jack and similar trees specified in sub-section (4) of section 7 of the Act, the question is still under the consideration of the Government. No rejoinder has been called for from the tenants.

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Amount of budget allotment for free distribution of quinine for 1937–38.

7 *Q.*—Mr. J. A. SALDANHA: Will the Hon. the Minister for ublic Health be pleased to state the amount budgeted for 1937–38 for :penditure on free distribution of quinine having regard to the answer ven to my question No. 4 on 31st August 1937?

A.—Attention is invited to page 289 of the detailed Budget Estimate for 1937–38.

rocess for producing sweet toddy and the effect on the health of those who drink it.

8 *Q.*—Mr. J. A. SALDANHA: Will the Hon. the Minister for griculture and Rural Development be pleased to state—

(*a*) what process have the Government allowed for the production ' sweet toddy as defined in the Madras Prohibition Act; and

(*b*) whether sweet toddy produced thereby has been found by the overnment potable without injury to human health?

A.—(*a*) The attention of the hon. Member is drawn to the Madras Sweet Toddy Rules, 1937, published at pages 1782–83 of Part I of the *Fort St. George Gazette*, dated 19th October 1937. The conditions of the licence prescribed in those rules require that all pots or other receptacles used for the drawing of sweet toddy shall be effectively coated internally with lime to prevent fermentation and that such coating shall be renewed every time they are emptied and reattached to the trees.

(*b*) No evidence to the contrary has come to the notice of the Government.

Alleged highhanded action of the Commissioner of the Udipi Municipality on his subordinates.

9 *Q.*—Mr. J. A. SALDANHA: Will the Hon. the Minister for ocal Administration be pleased to state—

(*a*) on what date was the present commissioner appointed to the dipi Municipality;

(*b*) whether it is a fact that the services of a large number of ıbordinates, both ministerial and menial, were terminated during the ·gime of the present commissioner;

(*c*) if so, how many;

(*d*) whether it is a fact that some of the subordinates had to resign ıring the regime of the present commissioner;

(*e*) if so, how many;

(*f*) whether the Government have received any people's petitions or memorials representing their grievances against the alleged high-handedness and irregularities of the commissioner and chief ministerial officer of the Udipi Municipality and of the administration of the Municipal office; and

(*g*) if so, what steps have the Government taken in these matters?

A.—(*a*) The present commissioner assumed charge of his office on the 9th November 1936.

(*b*) to (*e*) The Government have no information.

(*f*) The answer is in the affirmative.

(*g*) The Government have enquired into the matter and are satisfied that the allegations made in the petitions are unwarranted.

Alleged irregular behaviour of a former chief ministerial officer now employed as a subordinate in the office of the Udipi Municipality.

10 *Q.*—MR. J. A. SALDANHA: Will the Hon. the Minister for Local Administration be pleased to state—

(*a*) whether it is a fact that one of the subordinates in the ministerial staff of the Udipi Municipality is an ex-taluk board employee;

(*b*) whether it is a fact that this ex-taluk board employee was appointed some time back as the chief ministerial officer;

(*c*) whether it has come to the notice of the Government that this chief ministerial officer has been in the habit of interlineating and detaching important papers in his own interests and to the detriment of the other members of the staff as well as of the public and that there have been complaints and remarks against him made by one officer concerned; and

(*d*) if so, why no disciplinary action was taken against that chief ministerial officer?

A.—(*a*) & (*b*) The answers are in the affirmative.

(*c*) & (*d*) Certain complaints have been received against this official and Government have called for a report.

Allotment made to Madras Government from the Rural Development Fund of the Government of India.

11 *Q.*—DR. P. J. THOMAS: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(*a*) the total amount of grants allotted to this Government from the Rural Development Fund of the Government of India;

(*b*) the total amount received;

(*c*) the total amount spent; and

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(d) the purposes for which the grants to the province have been pent?

A.—(a) Rs. 28,73,000.

(b) Rs. 15,14,000.

(c) Rs. 10,14,687 up to 30th June 1937.

(d) The grant made in 1935-36 was sanctioned for expenditure on—

(1) Improvement of rural water-supply,

(2) Improvement of village communications,

(3) Improvement of rural sanitation, including a Health Unit Scheme,

(4) Anti-malarial operations, and

(5) Discretionary grants by Collectors.

The grant of 1936-37 was sanctioned for expenditure on the first three items above and on encouragement and development of co-operative loan and sale societies.

No expenditure was incurred on the last item up to 30th June 1937.

[*Note.*—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

II.—MESSAGE FROM THE ASSEMBLY.

* MR. PRESIDENT:—" I have to announce that I have received he following message, dated Chepauk, the 20th December 1937, from he Hon. the Speaker, Madras Legislative Assembly:—

'In accordance with Rule 111 (2) of the Madras Assembly Rules, I transmit a copy of the motion passed to-day by the Legislative Assembly regarding the constitution of a Joint Select Committee of both the Chambers to consider the Madras Agriculturists Relief Bill for the concurrence of the Council:—

'That under Rule 111 of the Madras Assembly Rules, the concurrence of the Legislative Council be obtained in setting up a Joint Select Committee of both the Houses consisting of fourteen members, to consider the Bill'."

III.—PANEL OF CHAIRMEN.

* MR. PRESIDENT:—" I have to announce to the House that under Rule 9 of the Madras Legislative Council Rules, I have nominated he following four members of the Council to be the Panel of Chairmen or the Second Session of the Council:—

(1) Khan Bahadur Sir Mahomed Usman Sahib Bahadur.

(2) Rt. Hon. V. S. Srinivasa Sastri.

(3) Mr. R. Srinivasa Ayyangar.

(4) Mr. P. Peddi Raju."

IV.—HOUSE COMMITTEE.

·3⁰ m. THE HON. DR. T. S. S. RAJAN:—" Sir, I beg leave of the House to move—

'*That the Council do proceed, under rule* 143 *of the Madras Council Rules, to elect six members according to the principle of proportional representation, by means of the single transferable vote, to be members of the House Committee for the Second Session of the Council*'."

MR. B. NARAYANASWAMI NAYUDU:—" May I rise to a point of order, Sir? "

MR. PRESIDENT:—" The motion is not yet before the House. When the motion is before the House, the hon. Member may raise his point of order."

MR. B. NARAYANASWAMI NAYUDU:—" My respectful submission to this House is that this Bill is *ultra vires* of the powers of this House."

MR. PRESIDENT:—" Order, order. We are not on that question now."

MR. B. NARAYANASWAMI NAYUDU:—" I am sorry, Sir."

The motion was put and carried.

* MR. PRESIDENT:—" I have to inform the House that with reference to Regulation 2 of the Regulations for the holding of elections by means of the single transferable vote, I fix 2 p.m. to-day as the time by which nominations of candidates for election to the House Committee should be sent to the Secretary."

V.—THE MADRAS AGRICULTURISTS RELIEF BILL OF 1937.

* THE HON. DR. T. S. S. RAJAN:—" Sir, I beg leave of the House to move—

'*That this House concurs in setting up a Joint Select Committee of the two Houses consisting of* 14 *members (*7 *members from each House) to consider the Madras Agriculturists Relief Bill* [a].'

" Sir, in commending this motion for the consideration of this House, I do not want to take up the time of the House in expounding this Bill in all its details. This measure has been before the public and a good deal of time has been spent upon it both in the press and on the platform about the subject matter of this Bill. Various opinions have been expressed on it and it has been discussed from day to day

[a] Published in the *Fort St. George Gazette* Extraordinary, dated 1st December 1937.

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for the last three weeks and more. I would like to bring to the notice of the House one particular feature of the Bill. It is an agriculturists relief Bill. But it is not a relief Bill for all kinds of debtors. It is very much restricted in its scope, and it applies only to the agriculturists of this province. Who an agriculturist is is defined in the Bill, and the various remedies which are proposed in order to relieve the agriculturist of his debt are also categorically mentioned in the various clauses of the Bill. I shall not go into minute details of all those questions, but I shall bring to the notice of this House a few salient features which make this Government feel the absolute and immediate necessity for taking up this question on hand. The fundamental idea is to resuscitate the agricultural industry of this province. That is really the basis on which the Bill is placed. Those who have some knowledge of agricultural conditions in this Presidency will know the many disabilities under which that industry is suffering to-day. The value of land has come down considerably in recent years. The fall in prices has contributed to a large diminution in the income of the agriculturists. Again, the heavy load of debt that is on the head of the agriculturists has been accumulating for the last so many generations, and has been acting as a bugbear which has practically crushed the ryot from looking at land as a means of living apart from its being an economical proposition. The enthusiasm of the ryot, the skill of the ryot, the energy which would make him till the soil and produce the food for the nation have all been taken out of him, and we see to-day before us a spectacle which every serious citizen should consider and ponder over. In doing so, I would like to place before you the point that when once this heavy burden of debt upon the man who is fundamentally responsible for the production of food for this country is removed, he will be in a better position not only to rehabilitate himself but what is more to throw into his work an energy and enthusiasm which he is not capable of to-day situated as he is.

"Firstly, when once his debt is relieved to a large extent as we expect that this measure would do, we do feel that his life would automatically go on, and the capitalist who is now feeling shy of investing his capital in land, which has become unremunerative, will now begin to advance more money on the land whenever the agriculturist requires. Far from frightening away the creditor as a result of this measure, we believe that this very measure will add to the credit of the agriculturist to such an extent that he will find it a paying proposition to borrow and invest money in agricultural processes, like the manuring of land, which will naturally also tend to increase production. When once capital finds its way into the agricultural industry and the industry is resuscitated, as a consequence thereof, prices of agricultural produce will find a favourable level and the prices of land also will naturally increase. Thus the agricultural industry will become a paying proposition which will be favourable to the economic interests of this province. Therefore we believe that fundamentally and primarily the debt is such a heavy burden that it is absolutely responsible for the uneconomic condition of the agricultural holdings in this country.

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"*Secondly, in defining the agriculturist*, we have not made any differentiation between one type of agriculturist and the other. Agriculturists are those who depend entirely on that industry itself for their living, for their maintenance and even for their comfort. In making a law, it would be absolutely impossible to make a gradation as between one type of agriculturist and another. But taking the lot of the agriculturist population in this country, the vast majority of them are more or less ryots or small landholders. Besides, the big landholders are very very small in number when compared to the large number of agriculturists who possess small holdings. Therefore, when we once give relief to the agriculturist class as a whole, we are fundamentally dealing with the vast majority of agriculturists and also with that small percentage of agriculturists who have got a large acreage of land. And these are not in a very enviable position. Those of us who happen to possess land and depend upon it for our maintenance know to our cost that the land has ceased to pay, whatever may be the extent of the holding, and that the big landed mirasidar or proprietor is as much indebted to-day as the small agriculturist. But in the case of the small agriculturist, there is despair and hopelessness written on his face, and there is absolute lack of energy as a consequence thereof. With regard to the large mirasidar, he is still hoping that a better day will come; he still expects that the price of land will go up and that he will be able to increase the little credit that he has now got. But his debt is increasing in proportion to the land he has got. Therefore, we have found it necessary to apply the definition of the term 'agriculturist' without any distinction to all those that follow agriculture as the main industry and who depend upon agriculture for their very existence.

"Now, the attention of the Government and of the public has been pointedly drawn to the effect of this agricultural indebtedness. Mr. Satyanathan's report, which has been published years ago and has been before the public for a very long time, will show and does show the enormous amount of rural debt. He was deputed as an official to make an investigation, and he has gone into the nature of agricultural holdings and the debt of agriculturists, and he has submitted a report dealing with every aspect of agriculture in great detail with a tremendous amount of care. The report of such a conscientious officer requires the attention of the public as well as that of the Government. He has said in no unmistakable terms that the debt of a small agricultural family in proportion to the tax paid is in the ratio of 1 to 30; that is, if a poor ryot pays as tax rupee one, his debt is about Rs. 30 per acre held. It is not very different in the case of the bigger landholder: there again, if one pays one rupee as tax, his debt stands in the proportion of Rs. 8 per acre. Therefore, the whole lot of the agriculturists, high or low, is bad in varying degrees. Its existence is a fact which none of us can ignore. Having recognized that fact, well, it must be open to the Government to examine the question and to lay before this House such proposals as will reach almost every one of them

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without any discrimination whatsoever. When once this fundamental proposition is conceded that a measure of reform is absolutely necessary, it must form the essential pre-condition for the discussion of the subject.

"Then, I will take you on to one or two more important questions. The question has been raised whether the existing facilities, like conciliation boards, co-operative societies, banks and individual creditors, do not offer a certain amount of relief to the agriculturists. Sir, we do admit that they have to a very, very small extent met the situation, but we do believe that they have not met the situation in any adequate measure.

"Government feel that the conciliation boards as they do their 11 work at present will take ages before they give relief to the whole a. mass of the agricultural population. The interest on debt does not keep quiet. It is growing on the head of the debtor, and by the time relief is brought he will be beyond all relief. Therefore we consider it absolutely and pre-eminently necessary that we must give him a large measure of support by legal sanction, so that he may be rid of the debt as soon as possible and at the earliest moment possible. The national asset of the man who produces food, his economic condition, will be a great factor of national strength and will conduce to national regeneration on a fairly rapid scale. Therefore we have considered this Bill is quite necessary.

"As regards sanctity of contracts, this question has been discussed threadbare. I am not speaking as a lawyer, but I am going to speak as an ordinary citizen and I know certainly the obligations of a contract. That a man who has borrowed has got to pay back what he has borrowed is a fundamental law which even the meanest of our citizens does understand and which even the most ignorant citizen will not repudiate; he will understand that he will have to pay it with his blood, and even the dependants of that debtor will consider it a dishonour not to pay back the debt borrowed. Having said that, it is our intention to protect that national honour, that great heritage of the people. Therefore in this Bill we have made the necessary provision that the principal shall not be wiped out, but shall remain except with one small proviso. Even this proviso is in consideration of the national trait of our people according to which where a man has paid twice the capital by way of interest, capital and interest shall be wiped off. It is a fair proposition, and I do not really think that even the worst of the usurers will challenge the fairness or the correctness or the national sentiment on this question. But why not leave it to the law courts, is the proposition before us? Law courts decide only on legal questions; they do not take into consideration the poverty or the circumstances of the man. Very often the law is called an ass in popular parlance. It is because it has refused to recognize the human conditions that go for judgment. Law goes by legal traditions and legal formulas; man is treated not as a human being but as

a constitutional machine. Therefore we cannot always expect law courts to deal humanely; it is impossible in the nature of things. On human misery individual creditors thrive. But even there, laws have to a certain extent the latitude in diminishing disproportionately high rates of interest.

"We have no hesitation in saying that interest accrued is not an obligation; capital is certainly an obligation. Interest shall always be considered with rents that are derived from land. Therefore we have included rents also in the bargain and allowed arrears of rent to be wiped off but with a proviso, namely, that it shall be wiped off only when the agriculturist pays to the landlord all that is due to him in the course of this and the previous fasli. Therefore we have been considerate to the extent that it is possible for us to do. To that extent we have made the ryot more capable of standing on his own legs in the future. The history of the relationship between landlords and tenants I know very well. I have not been getting anything from my tenant for years together. I do not think he would ever pay the dues; he also believes that he is not going to pay. Yet there is the mental satisfaction in me in accumulating the load of debt so that I may dictate my own terms to him and threaten him with his load of debt whenever I want to do and keep him bound to me body and soul. That is very unfair. Such practice however legal it may be shall not exist. The ryot must throw off his burden, must make himself economically solvent and must turn out an honest citizen. We have taken into consideration all these things; the relations that must subsist between the landlord and the tenant must be just and fair.

"There is another thing that has been mentioned, in regard to criticisms offered against this Bill, namely, that small capitalists or joint concerns which have been operating in the field have been thrown to the winds and that the Government state banks and co-operative societies have been well safeguarded. I really do not think that there is anything unfair about it. Because, first and foremost, those people have not advanced anything very much to the agriculturist against his land. Most of these agricultural loans are mostly from individuals and they are not from big corporate banks. Government must have its due share to run the wheels of administration; therefore it must insist on its arrears being paid; and banks and co-operative societies are complementary organizations of any stable Government. Where the Government feel that the banks or co-operative societies are exceeding the line or are tyrannical or hard in their transactions, it is up to them to control them. But it is not so with private capital. Even supposing private capital has a claim, have not these capitalists contributed in a large measure to these debts? More so, in recent times, because the land value has gone down, the agriculturist is not able to pay his debts and land has become an absolutely unprofitable concern. Therefore these land mortgage banks need some protection from Government. This measure has not been taken up in great haste. We have

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een in office for the past five months and more; we have given an ndertaking like honest men to our electorate that if we come into power he poor men shall have justice. That the poor man has not had a just leal till now needs no mention. But now we have been returned by a arge number of voters many of whom are pre-eminently agriculturists nd to whom we have given the word of honour and to keep the word of onour we put before the two Houses of legislature this Bill which is ntended to relieve the agriculturist of his debts. I want you to consider whether this measure is not necessary in the first place; if it is ecessary, whether this measure will meet the situation; if it is necesary, whether it is brought in haste or prematurely or whether it can be mproved upon. It is not we have taken all possible advice, all possible elp in framing as we have done this measure. I do not mean to say hat we are perfection ourselves, but that the fundamental principles n which this Bill is based shall certainly not be the subject of disussion. There are many vested interests in this concern. I want you o consider the enormous vested interests. They are vocal, and the nfluence they wield through the power of their purse will be brought gainst the Bill, and the voice of the poor inarticulate man may be lost n the vehemence of that opposition. The fundamental rights of the itizen, particularly of the poor man and the hungry man shall be and hall continue to be the first claim on the attention of any civilized Govrnment. In that spirit, we have now brought forward this Bill. The uture prosperity of our country is bound up with the men who toil and roduce food for us. Ninety per cent of our people are agriculturists. Devoid of big capitalistic industries, big concerns with enormous mount of capital, we are now thrown on the slender resources of agriultural industry. We have not got much to claim of share profits. We have got only the toil of the poor man rendered perennially from lay to day from year's end to year's end; and if the poor man is to tarve, certainly we shall be considered guilty by posterity. Such a harge shall not be laid at the door of those upper classes who certainly re affected by this Bill. We cannot give relief to one and all. Certainly there will be a certain number who will be affected, but laws re not made on that consideration, that every one that is affected by law shall be relieved. There may be hardships here and there. Even in the case of the best law, the law of prohibition, there were people who said that the right of drink shall not be taken away from any ndividual. Therefore, there is nothing absolutely good or absolutely ad in this world of ours. The largest good to the largest number is he principle on which governments should legislate. Therefore, we find it necessary that this Bill should go forward in spite of small nconveniences, and a certain amount of financial loss to some people. These people have got strength to bear the loss, to make sacrifices for hose to whom they owe the food they eat. Therefore it is only a fair nd just Bill that we have conceived and framed.

"There is also one more question which I might mention before I close, and that is that this Bill does not carry us very far. I have

told you the limitation is always there. It goes only to the extent it is intended to go; it is an Agriculturists Debt Relief Bill; and if it satisfies the requirements of the definition, as I said when I opened the discussion, it stands to reason that the proposals we have made should go to a large extent in relieving the poor man of his load of debt.

"That is the only justification that we have to place before this
12 noon. House for introducing this Bill in a particularly early session before the academic year is over. We are proposing to refer the Bill to a select committee of both Houses, because we find that that is the correct procedure to adopt. Instead of having two select committees, two legislative sittings and two legislative proceedings, we thought that we would be hastening the pace of legislation if we have a joint select committee with plenty of opportunity as far as possible to sit together and finish their labours, if it could be done, before the end of this year and meet again at the end of the third week of the next year. By then the country would have had more than four weeks to discuss all the recommendations of the select committee. Then again the two Houses shall look into the whole question clause by clause and shall certainly pass the Bill or reject the Bill as the case may be. In any case, we have taken particular pains to see that the charge of rushing legislation through shall not be laid on our heads. We want to give as much time as possible particularly to those that are vitally affected and who have got the power to speak out what they feel so that they cannot later on complain that they were taken unawares. We are certainly prepared to give them all as much time as is consistent with the progress of legislation of such national and vital importance and we shall not say that you shall not be heard. I therefore commend this Bill for the consideration of the House."

MR. V. V. JOGAYYA PANTULU :—"Mr. President, I rise to second this motion. I do not think any speech is necessary to commend it for the acceptance of the House."

* DR. SIR K. V. REDDI NAYUDU :—"Mr. President, Sir, I rise to oppose the motion before the House. I regret I find it impossible for me to support this Bill in its present form. I may at once say, Sir, that I am one of those who have always believed that measures to give relief to the agriculturists in the matter of indebtedness are absolutely necessary; but, so far as this Bill is concerned, and the form of relief that is suggested in it, I must say that it has taken the breath out of me. I never expected that class legislation would be started so early in the life of this legislature. That this is class legislation there cannot be the slightest doubt. But of that a little later.

"Sir, the Hon. Minister made it appear that there was a combination of the rich men in this country, the various money lending interests and even the newspapers. He appealed to us that we should not be guided by any such consideration and that sympathy towards the agriculturists should be our sole guide. Sir, whatever he might say about others, I think the Hon. Minister knows me enough. I come

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from an agriculturist family. In fact, Sir, when I was a Minister, I was known as the *kapu* Minister—kapu meaning agriculture. I may tell him that, so far as I am concerned, I am neither a debtor nor a creditor and I can assure him that I am not also an estate holder. I lose nothing by this Bill. Not a single penny. And when if I shoul oppose this Bill, my Hon. Friend will recognize that, just as he i honest and earnest in his efforts, I for my part am also honest an earnest and have no axe to grind. I feel it my duty to place before th House the fact that there are provisions in this Bill, in fact in th whole Bill, which would not in the least help the agriculturist or eve if they would help at all, such help would only be of a temporary an inadequate character.

" Sir, the provisions of the Bill are inequitous and this I shal presently prove. They are unrighteous for the various reasons whic shall be presently placed before the House. They are arbitrary an expropriatory. Now, Mr. President, the Hon. Minister is expressin his honest sympathy towards the agriculturists. I do not deny it.

" Sir, before proceeding further, I wish to say a word about th procedure that has been adopted in connexion with this piece of legis lation. I thought the Bill would be placed before us in the form of regular introduction simultaneously in the two Houses. Of cours a joint select committee can be appointed, but the measure comes befor us in the shape of a resolution for the appointment of a joint selec committee. I do not mind what the procedure adopted is, becaus I have not the slightest hope of getting any amendments carried in th House. But this reminds me of a proverb which is current in our part A man with a knife went to a knife-mendor and asked him to repa it. Mark the word 'repair.' When the knife-mendor asked: 'Wha do you want, Sir, to be done?' the man said: 'Oh! Just change th blade and change the handle.' Well, if we are to make any change of that kind here, it can only be in the shape of a new Bill. As th Bill stands, the only portion of it to which I can subscribe is th Preamble at the top and also one of the objects given at the end, namely the relief to the debtors and the agriculturists. Beyond that, Sir, i seems to me it is impossible to support the Bill.

" Now, Sir, the two main provisions in the Bill for giving relie have reference firstly to the interest payable by the debtors to th creditors and the rent payable by the tenants in estates and the tenant under the jenmis in Malabar. Under the provisions of the Bill th tenants need not pay the arrears of rent due to the landlords up t a certain date. As I said a little while ago, this, Sir, is inequitous This, as the common phrase goes, is a measure which seeks to rob Pete to pay Paul. So far as the Government themselves are concerned, the have not in the least told us that they have got any measure or an proposal by which they hope to help the agriculturists. At any rat the Bill does not contain anything of that kind. My hon. Friends wi not, I hope, be offended if I tell them that it is very easy to give, as i

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is said in my country, a cow as a gift on the death of one's father; only the cow should be the neighbour's and not one's own. The Government themselves do not suggest that they are going to give a penny or that they are going to find funds to discharge the debts of the agriculturists or that they are going to find some other way in which to help the ryots. They keep their hands free and we are told that the State cannot forego its income. Why, Sir? The State represents the whole nation. Why should not all the people give something for the benefit of these debtors and these tenants? Sir, we are accustomed to hear, when such occasions arise, that it is the State that should do something. I ask, Sir, why should one particular class of people be made to pay for the benefit of others? That is not equity. In both cases, namely, in the case of the creditors who are asked to give up a great portion of the interest and in the case of the landholders who are asked to give up arrears of rent, the sufferers are only one class of people. I am told, Sir, that this is not a small loss to the landholders. In one estate, I am told, the loss will amount to something like 22 lakhs of rupees. Sir, it should not be supposed that I am having a brief for the zamindars. I have nothing of the kind. They do not consult me. I am saying this simply and purely as a matter of obvious natural justice. No man should be deprived of his rights; if anything is to be done in the matter of relief some other measure will have to take the place of the present Bill.

"Sir, when the Inams Bill was before the then Legislative Council in this very place about two or three years ago, a huge cry was raised by the followers of those now sitting on the other (Treasury Bench) side that it was an expropriatory measure. In spite of the fact that the zamindars were deprived of their rights and occupancy rights were given to the tenants this cry was raised and appeals were made to the Secretary of State and to the Governor-General so much so the Secretary of State ruled that he would not give his consent to the Bill unless some compensation was given to the landholders. May I ask if there is any compensation here for these unfortunate creditors and for these unfortunate landholders? What is the justification for the Government to deprive these people of their natural rights?

"Sir, the Bill treats the sanctity of contracts with contempt. My hon. Friend, no doubt, says that he is aware of the sanctity of contracts, and adds that the Indians have it in the Hindu Law. He also told us that he is not a lawyer. I happen to be a lawyer, Sir, and I can tell him something more. According to the original Hindu Law a debt never dies. The Law of Limitation is a restraint and a restriction upon the natural law of Indians. That principle of national honour is at stake now. Not only that. Sir, it is not merely the debtor that is responsible, but if he has got sons, those sons are, according to Hindu Law, bound to pay the dues of their father, whether the sons have inherited anything from their father or not.

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" The son inherits property from the father. What is to become of national honour, when you so generously give away one man's property to another, when you make one man lose what he should get under the law? Where is the justification? Where is justice? I should think that national honour is at stake, that national honour is disgraced by this Bill. What has been considered to be generous all these years, is trampled by one stroke by the foot. The Hon. Minister has admitted in one part of his speech that the debt has been there for generations. Our people have been in debt for generations and generations. The tightness of money for the last six or seven years has made the burden on this date, greater than it was before. The Macmillan Committee in England reported in 1901 as follows: ' A severe fall in prices upsets the entire balance of every kind of money settlement.' A study group appointed by the Council of the Royal Institute of International Affairs say in their report:—' Consequently the result of a fall in prices which outruns the fall in cost, is to make the past debts more burdensome in terms of the present and this applies to all forms of fixed money obligations, public and private, national and international.' Borrowing itself is not bad; borrowing is essential for agricultural purposes; the agriculturist will be able to do something which will be beneficial not only to himself, but in the long run, to the country also. If no creditor is available, the condition of the agriculturist will be 100 times worse than what it is to-day. Demosthenes said at an early stage of human civilization: ' If you are ignorant of this, that credit is the greatest capital of all towards the acquisition of wealth, you would be utterly ignorant.' More recently Daniel Webster has observed: ' Credit has done more than a thousand times to enrich the nation, than all the mines of the world.' This last observation of Webster has reference to the banking credit, to the bills of exchange and other things by which business is carried on internationally. This observation is equally true in the case of our agriculturists who have not so much capital which their ancestors had accumulated. It is the credit which the creditor gives, that helps the agriculturist.

" In the course of the speech of the Hon. Minister moving the motion he told us that this Bill would enable the agriculturist to stand on his own legs and to see that the key industry and main industry, agriculture, is maintained and that the agriculturist does not go into the unemployment list. Is he not aware that half the creditors in the province are agriculturists, those who till the soil, who hold the plough and not those who get the land cultivated by the labour of other men? An agriculturist lends to his brother agriculturist a sum of Rs. 100 or 1,000. One has to accommodate the other. If he is told to-day that he cannot collect interest, I submit you are inflicting as much injury on the man who is an agriculturist himself. I shall presently point out how the benefit you suppose to confer on one class of people, is inadequate, insufficient and almost ineffectual. If there is any proposal or measure which would improve the condition of the agriculturist,

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which would make him prosperous, certainly there will be no objection to it. But what is the relief that you are going to give by this Bill? This is only a white-wash, an eye-wash; not more than that. The borrowed amount is still there and it will carry interest from 1st October 1937. What about his expenses in the house, perhaps a marriage which would involve heavy expenditure according to the notions and habits of our countrymen? The agriculturist wants some money at every stage. You may be justified in saying 'I do not care what happens to-morrow. To-day it is the congressman; to-morrow it may be the socialist.' My hon. Friends on the other side would be glad to know that we are not their enemies or opponents. We will have to be together friendly in the near future, for the protection of our homes, for the protection of our property and for the protection of our persons. That day is approaching. You are to-day consciously or unconsciously giving a handle for the demand which will come hereafter. You have given us a small relief; we want more; this is what the nice debtor will say. What is the good of reducing the interest alone? The principal also must be wiped out; otherwise, there is no salvation for us. What have you done for us now? You are introducing the thin end of the wedge of socialism by this legislation. Would you be justified in doing that?

"I have said that this measure is inequitous. I have already given my reasons for the same. One more word must be said. How did these arrears of rent come to be very large? How comes it that the balance of arrears in several estates is Rs. 30,000 or 50,000. I know of estates where the zamindars send their men and made the people pay to the last pie, on pain of receiving blows from the lathi. To my knowledge, this has happened. In such estates, the arrears are not worth mentioning. Zamindars of other estates felt some commisseration, pity and sympathy for the poor agriculturist, especially during the last six or nine years since 1929. When the depression was very acute, the zamindars felt that unless they helped the agriculturist, he would never raise again. Are such zamindars to be penalized? You do not approach the landholder who has used coercive processes of beating or arresting or distraining the property of the ryot; you do not take any action against him. On the other hand, a zamindar has been kind-hearted, has been generous; he has not distrained the property of the ryot, has not filed any suit for recovery of the amount. That zamindar is to be hauled up and you ask him to give up his just dues. The same is the case with some other creditors also. Under the existing law, the creditor feels that he would get what is his due; he feels that any law that may be passed now, will have effect only from a future date and not with retrospective effect. People think that, if they have lent money, they would get interest on it, and that they can live on it. Everybody knows that there are a number of widows and poor persons who have lent and who cannot afford to lose either the principal or the interest. Supposing a widow has got a small sum of money, Rs. 1,000 or 2,000, left behind by her husband or father. Fearing to lend the

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money herself lest she might not get it back, she entrusts it to the rich man in the village. He lends it to another person; it may be that interest might not have been collected for the last three or four years. The poor widow or the orphan boy will have to starve. What becomes of your sympathy for such people? Is their number small? Have you ascertained how many people would suffer by this Bill?

"The Hon. Minister referred to Mr. Sathianathan's report. I know all about it. It was I who asked for that report being prepared; it was I that appointed him to go into the question. What does the report say? Is it seriously contended that there is anything like an economic survey? Are not the figures there mere guess work? How many villages did he visit? How many people did he examine? To depend on a report like this, which was got up in six months, is not fair. No less a person than Sir Sivaswami Ayyar has stated that a measure of this magnitude, of such far-reaching consequences would be referred to an *ad hoc* committee to enquire into the matter. There must be on the committee some experts, economic experts, administrative experts, men who are interested in both sides, creditors and debtors, landlords and tenants. All of them should represent their cases fully to the Government, who should consider them carefully. We are told that they are not rushing through this Bill. My Hon. Friend thinks that one month's notice is a great time allowed to the people. They have taken charge, as we all know, only about five months ago. Where is the hurry to introduce the Bill now? My Hon. Friend has admitted that the debt has been existing for generations. No doubt, the depression in the year 1929–30 has enhanced the burden. But, will one month or six months make any difference? What span is six months in the life of a nation? My Hon. Friend spoke in terms of the nation, spoke of national honour, spoke of national industries and of protecting the people who produce the food of the country. Yesterday you passed the Bill through the other House; here to-day you are not moving for the introduction of the Bill but for the appointment of a Joint Select Committee in some circuitous way. This measure is being hurried through; there is absolutely no need to do so. Why should you not wait for a few months more?

"A little while ago I was telling you that the Government do not propose to contribute anything towards the relief of these debtors and that this Bill does not contain anything about it. It was pointed out by a mirasidar—a fact which we all know—that in ancient times, and even in our own times, the Indian princes and even the zamindars, when they ascend the 'gadi' they remit a large portion of their revenues. I was also told that the Raja Saheb of Venkatagiri remitted about a lakh of rupees when he was put on the 'gadi.' There have also been hundreds of cases in which the princes have remitted large sums of money from their revenues, in other words the revenue due to the State. But, the Hon. Ministers on the Treasury Benches sit tight upon their coffers—upon the coffers of the Government. Of course we can realize that they have a trust, but they have also a trust that the

laws of this country would be respected, that sanctity of contracts should be observed, and that the credit of this country is not crippled, if not ruined.

"Mr. President, I was telling you a little while ago that any amendment of this Bill is a hopeless task, and I cited the example of the handle and the blade. My complaint is that the Bill makes an invidious distinction and an unfair discrimination in almost every section, if I may put it that way. The Indian registered companies, the foreign companies and Indian State companies are all excluded from the operation of this Bill, so that if the agriculturists are the debtors, these companies and banks need not lose interest.

"Now, Sir, if the Government really mean to help the agriculturists, it is impossible to understand on what ground these exemptions were made. Co-operative societies, as my Hon. Friend has stated, are part of the organization of the Government. Co-operative societies claim to be altogether an independent body and that they should be always a non-official body and so on and so forth. That was perhaps in my time; probably things have changed at present. But, after all, these co-operative societies and companies are as bad as any of the money-lenders. The Hon. Member says that the Bill makes provision for six per cent interest for future loans. I have no quarrel with that. But I know, even this day, a number of co-operative societies are charging 7 per cent, if not more. I ask, why this discrimination and why this treatment of co-operative societies and banks in a different manner from the ordinary creditors, especially when you remember that amongst the creditors in the villages, a number of them are agriculturists.

"On the top of all this comes the exemption from the operation of this Bill of Provincial and Central Government dues. I could understand that these dues are a first charge on the land and both the Provincial and Central Governments are undoubtedly entitled to their revenues without being reduced in any way. But, what about the numerous loans, for instance, loans under the Agriculturists Loans Act, loans under the Land Improvements Act and takkavi loans? Is it pretended that these people who have borrowed from the Government are more prosperous than the debtors whom you are seeking to protect; is it pretended that they are more happy? At least the tenants under the estate holders have no financial troubles. Why do you collect the money like a Shylock so far as your dues are concerned? You are excluding your own dues—I have no quarrel with that. Of course all these loans are collected by the local officers who induce the ryots to take such loans by saying that if they take the loans they could improve the land and raise huge crops. In this matter they have the assistance of the agricultural demonstrators and other such officers. What happens is, the ryot sinks the money so taken in the land, digs wells, but alas, no water is found there and no crop is raised; and as such these men are not going to be protected under this Bill. What is your justification for it?

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" Mr. President, Sir, the Bill is incapable of improvement as it stands. It is full of queer provisions and it is impossible to divine how and why so many discriminations have been made between debtor and debtor. My Hon. Friend, the Minister who moved the resolution, seriously told us that he did not make any distinction between debtor and debtor. It was rather a surprising statement in view of the provisions in the Bill. Let us see what these provisions are. It is inconceivable, for instance, why agricultural land within the municipalities are exempted under section 3. . ."

MR. K. MADHAVA MENON :—" Mr. President, I would like to invite attention to rule 64 of the Council Rules. It will be unfair if all those who want to speak are not given a chance and one hon. Member should take the whole time."

* MR. PRESIDENT :—" Half-an-hour's time will be allowed to the hon. Member, Sir K. V. Reddi."

DR. SIR K. V. REDDI NAYUDU :—" I did not expect, Sir, that in the case of an important Bill like this, such a rule will be enforced. The Bill has created so much of commotion in the country and it is bound to create agitation. Sir, when the question is of such great importance and is causing perturbation in the mind of the people, would you, Sir, as President, not protect our rights and allow us to *speak?* "

* MR. PRESIDENT :—" The hon. Member may go on."

DR. SIR K. V. REDDI NAYUDU :—" Is it conceivable why agricultural land within a municipality should be differentiated from other land? My hon. Friend, Sir Krishnan Nayar, has stated and I have myself known personally, that in many towns there are a number of lands within the municipal areas, for instance in Ellore. Sir Krishnan Nayar also has told us that in the Palghat municipality, it is impossible to make any distinction between the ryots of such lands and the agriculturists who cultivate lands outside such areas. Why then should you make such a distinction? Is it because that it is a sin to live in a municipality? Again, if profession-tax is collected from a person, say eight annas or one rupee, because he keeps a cow or a goat possibly to add some little to his or her income, that man must not be protected for the sin of having lived in that municipality and for the sin of having paid eight annas or one rupee to the municipal authorities?

" There are also other discriminations in the Bill about members of the same family. For instance, in the case of a joint Hindu family, and if there are six members of the family, five may be agriculturists and one man is employed as a peon in a taluk office in his neighbourhood, and possibly pays profession-tax—and if he is fortunate in rising up the ladder of service, he may even pay income-tax—he and his sons are condemned for ever and their share of the debt shall not be reduced and that the relief that is afforded in the Bill is not going to be given to them.

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"There is yet another circumstance which has happened actually in a case in which I appeared years ago. It is this: You do not in this Bill take into account while giving relief, the circumstances under which a loan is borrowed, the time at which it is borrowed or the purposes for which it was borrowed, nor even the capacity of the man to repay, or the conduct of the creditor or the debtor throughout the period during which the debt has been subsisting. I ask, is it fair? My Hon. Friend was telling us a little while ago that rich mirasidars can afford to lose a little. I agree. But, what is this provision here which you have made? Does it not run counter to that proposition of yours? I was telling you, Sir, I knew of a case which I should like to place before the House. It is this. A man borrowed Rs. 2,000 from his neighbour, also an agriculturist, for purchasing land, but he did not pay the interest for twelve years, or even the principal for that matter. The creditor had naturally to file a suit, and as you know generally when a suit is instituted, it takes years, and in this case, it took seven years, and that made 19 years in all. At last the matter came up in the twentieth year for execution and sale. All these years, Sir, this wonderful debtor whom my Hon. Friend wants relief, has been receiving the benefit of the land year after year; he has been raising crops, realizing profits and never paid a penny and if you take into calculation just as they do in Bombay, the amount that he would have got by way of profits, it will come to, say, Rs. 3,000 till the time the land comes to sale; and if this Bill is going to be enforced, the man will have to pay only Rs. 2,000 which he has borrowed. That will practically amount to the man making a clean profit of Rs. 1,000 and on the top of it he has a free gift of land which he has purchased with the other man's money. I ask, will that be fair? Of course my Hon. Friend tells us, some hard cases might arise and some inconvenience will have to be felt when a new law is made and that it is not always that we can apply it to everybody; some sacrifices will have to be made and these are exceptional cases; we cannot make laws for everybody and so on. With all due respect, I do not think it is an argument against the points that we have to consider. That cannot be an argument but it is an assertion. Of course, we know, you can get the Bill through; we have absolutely no doubt about it. But, why is it that we are raising this voice in this House? It is only in the hope that after all, sense of justice and sense of fairness might prevail with the Ministers and that they might bring in a more useful measure.

"Mr. President, I do not propose to deal with the other instances which I have quoted here. I wish at once to go into one or two important points. For instance, there are one or two remarks which I have to offer in connexion with the legality of this Bill. My first remark has reference to the promissory notes. I assume that the Hon. the Prime Minister intends and the Government intend that this Bill should apply to debts borrowed on promissory notes; and we know as a matter of fact, that in the villages rich men, substantial men and men having large acres of land and respected by the people are ashamed to

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give mortgage bonds, because it will be known to others and has got to be registered and when he goes to the registration office it becomes public property. Whereas in the case of promissory notes, it is written in the secret chambers, possibly he may take a friend with him to attest it and it need not be known to persons other than the debtor and the creditor. I mention this as a circumstance to show that there are large amounts of debts on promissory notes and the contention has been raised, and I believe there is a good deal of force in that contention. That contention is based on two things. Section 100 of the Government of India Act, 1935, says that so far as the subjects mentioned in list I of Schedule VII are concerned, they are purely Federal subjects and they cannot be legislated upon by the Provincial Governments. Now, in that list of subjects, we have this entry, namely, bills of exchange and promissory notes have been specifically mentioned. Again, under the Negotiable Instruments Act, we have got two sections, namely, 79 and 80, and one of which provides that where interest has been mentioned in a bill of exchange or promissory note, the holder of the note is entitled to collect interest at that rate and if on the other hand, no mention is made of it, it is open to him to collect 6 per cent interest. Well, Sir, now that provision is being traversed by this Bill. Now, Sir, we have here the hon. the Advocate-General who can tell us something about that and so far at least as this House is concerned, we and I believe the Government on the other side, will be bound by his decision.

"But, Sir, though I never rose to the eminence of my esteemed I·
friend, the Advocate-General, I think I can reasonably claim after 30 1
years' experience as a lawyer that the contention that I am now placing before the House is not altogether without foundation. It is said that in Schedule II there is a provision which gives jurisdiction to the provincial councils in the matter of money-lenders and money-lending. Well, Sir, so far as that is concerned, I may bring to the notice of the House that this one circumstance, the mere fact that one is a money-lender and lends money need not bring him under that clause because money-lending may be under a promissory note. It need not be money-lending at all and yet the debt may subsist. For instance, the man sells the land and the purchaser gives a promissory note. The man who sells the land is not a money-lender. This is a case of purchase of land. The purchaser gives a promissory note. How can we say that comes under the schedule? Now, Mr. President, the only other legal objection that I have to suggest here is this. The arrears of rent now payable to the zamindar are now practically wiped out except for the last one or two years. Now, I consider, Sir, that that provision interferes with what is called the character of the permanent settlement. You know, Sir, under article 17 (*d*) of the Instrument of Instructions the Governor has been enjoined not to give his assent to a Bill of this kind if he feels that the character of the permanent settlement is altered. The Bill no doubt will depend on the definition of the word 'character.' In order to meet that point I should like to

bring to the notice of this House that this article in the Instrument of Instructions was introduced there on the recommendation of the Joint Parliamentary Committee. In their report the Committee say:

'We feel that the permanent settlement is not a matter over which as a result of the introduction of provincial autonomy His Majesty's Government can properly disclaim all responsibility. We recommend therefore that the Governor should be instructed to reserve for the significance of His Majesty's pleasure any Bill passed by the legislature which would alter the character of the permanent settlement.'

"The same Committee defined the effect of permanent settlement as follows:—

'Briefly the effect of this settlement was to give a proprietary right in land to the class described as zamindars *on the understanding that they collected* and paid to Government the revenue assessed on that land which was fixed at rupees declared at the time to be intended to stand unaltered in perpetuity.' "

MR. K. MADHAVA MENON:—"I rise to a point of order as to whether the question of reservation comes in only after the Bill is passed or whether it arises now."

DR. SIR K. V. REDDI NAYUDU:—"If it comes at all it comes at this stage. What is the good of passing it? The Minister in charge tells me that there is nothing wrong. But there is nothing to prevent me in suggesting that and pointing it out to the Government and the House. Regarding this permanent settlement a clause is generally inserted to the following effect:—

'You (zamindars) shall enter into written engagements with your ryots, either for rent in money or in kind clearly defining the amount to be paid to you by such ryots individually and explaining every condition of the enactment and you shall grant or cause to be granted regular receipts to the ryots for all discharges of money or in kind made to you or in your account.'

"It is further added in that proclamation:—

'The *foregoing conditions contain an abstract of the obligations and debts* which you shall incur and *all the rights* which you have acquired under the constitution of the Government over the British territories of Fort St. George.'

"Now, Sir, here is this statement which clearly says that it is regarded as right and that that right is challenged and refused by this Bill. I think one would be justified in saying that the character of the Bill is altered. Only one word more, Mr. President. The Hon. the Chief Minister speaking at Vizagapatam is reported to have said that he would be prepared to resign if this Bill is not passed. I assume that that statement is correct. If I may say so with great respect to him and he knows whatever others might say that personally I have the greatest regard for him, I believe, Sir, this statement sounds to me as a threat. But threat to whom? Certainly not to the Legislature."

THE HON. MR. C. RAJAGOPALACHARIAR:—"Before proceeding further I should be greatly obliged if the hon. Member drops that subject."

DR. SIR K. V. REDDI NAYUDU:—"Then, Sir, I will drop it. There is only one other aspect that I would like to present. That is

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with reference to a statement made by some of the Ministers or Secretaries. 'What are the Government to do? To the best of their ability, they have introduced this measure.' I concede they honestly feel that this will do some good to the people. 'Where is the alternative scheme? Is there anything else on which we can fall back?' All people admit that it is absolutely necessary that something should be done for the relief of the debtors. I must say that there are certain papers now with the Government. They have not evidently come to the notice of the Hon. Ministers. They have only to search for the papers of the last three years. The scheme has been mentioned there. But it could not be carried through owing to the then constitution. That scheme is this and I place it before the Government for what it is worth. I do not place it as fully considered or examined scheme; but it would serve as the basis of a scheme which can certainly be improved by the Hon. Ministers. That scheme is simply this. I was complaining that the Government have not moved their little finger excepting asking somebody or other without themselves giving a single penny for the reduction of this debt. My scheme is this."

* MR. PRESIDENT :—" If the scheme takes much longer time? "

DR. SIR K. V. REDDI NAYUDU :—" I will be able to close it in five minutes. The scheme will take only five minutes. (Laughter.) The scheme itself is this. Government should appoint a board, a debt conciliation board. The only thing in that Act is that it is compulsory system. Mr. Ramalinga Chettiyar who was insisting on making it compulsory at that time will gladly welcome it now. (Mr. T. A. Ramalinga Chettiyar: 'You would not allow it then.') Yes. Because the law was different. So make it compulsory. Any one may apply for the debt scaling down. But in doing so let the Board take into account the considerations I have mentioned. People purchase a plot of land but never return the money. Such people don't deserve anything. You do not make sufficient discrimination, any reasonable and fair discrimination between debtor and debtor. The time at which he borrowed, the purpose for which it was borrowed and such things will have to be taken into consideration. Perhaps you will have to take the value of the rupee at that time, the price of land and the price of commodities and all these will have to be taken into consideration. Then the Board will say one thousand may be paid out of the three thousand. This is the time for the Government to come forward and help. They must issue debentures. They may raise 20 crores and issue bonds and give them to the debtors and recover the amount in 40 annual equated payments which they will be able to pay. While at Delhi I and Mr. V. Ramakrishna found out that if we gave 40 years the equated annual payment will be less than the land-tax of his holding. Therefore he will be in a position to easily discharge the amount due to the Government. Then make it compulsorily receivable by the creditor. It shall be negotiable in his hands, if there are people willing to purchase it. So his debt is discharged, the debtor becomes your debtor and is bound to pay you. Otherwise you will

recover it as land revenue. The Government will not suffer and the interest may be 3½ per cent. I may say one word more. (Laughter.) You make yourself responsible for what you are going to do. You are introducing communism. That is unsuited to the genius of the nation. Posterity will have to say something when we may not exist here. They may hold up their hands."

* MR. P. PEDDI RAJU:—"I welcome the introduction of the Bill for the relief of the agriculturists. I say, Sir, that this question was agitated for over half a century since the Deccan Agriculturists Relief Act was passed. It is the duty of the Government to come to the rescue of the ryots and Sir Frederick Nicholson has also stated it. One of the chief points made out by Sir Frederick Nicholson was that the fixed demand on land was responsible for the heavy indebtedness of the ryot. Now, Sir, while trying to give relief to the agriculturist I am sorry Government have not at the same time come to the rescue fully. As stated by Dr. Slater the land revenue in Madras is four times that of any other province, so much so that agriculturist became indebted in the shape of debt. It is therefore the duty of the Government that they must give relief in regard to land revenue also. The Leader of the House stated that there is Rs. 30 debt on an acre of land. That means, Sir, working out at 6 per cent, less than Re. 1 is the interest on debt per acre. But the incidence of taxation is a recurring one, and heavier than the debt.

p.m. "So, my first submission to this House is that while we thank the Government for the way in which they are attempting to give relief in the matter of indebtedness, they must also come to the rescue of the ryots for giving relief by reducing the land revenue as well. Sir, the necessity for this legislation is even admitted by my hon. Friend on the other side, who just spoke. He says he is an agriculturist himself, and that he has been trying to do something for the agriculturist. The necessity for legislation is accepted on all hands. For instance, the several committees and commissions which have enquired into the question of agricultural indebtedness, such as the Royal Commission on Agriculture, the Central Banking Enquiry Committee, the Provincial Banking Enquiry Committee and several other committees, have been urging that something must be done to give relief to the agriculturist. I say, Sir, that the same thing has been done also by the report of Mr. Satyanathan. But the question is, what is the method of giving this relief? We may remember that the *Debtors' Protection Act* which was passed here some years ago was to regulate the business of money-lending. But our contention at that time was that the Bill was restricted in scope and that it should be extended to all kinds of money-lending. So if we want to give relief to all debtors as a whole, there will be no use in giving relief here and there. After the present Bill was published, I was going round some villages, and I have seen people borrowing Rs. 100 and executing a pro-note for Rs. 150, because they want to borrow and money could not be got, and no lender would give the amount unless they were prepared to execute

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a pro-note on his own terms, for nearly double the amount advanced. So, there must first be an Act passed for regulating the business of money-lending. Unless this is done, the present Bill will remain defective. Unfortunately, Sir, I do not find anywhere in this Bill any provision to regulate money-lending. So far as the provisions that are being considered from time to time for giving relief to debtors, I think one relief which must come first is the regulation of the rate of interest by restricting it to 6 or 5 per cent. Without such a restriction, difficulty is being experienced even by courts as objections are raised on the score of violating contracts. Of course, even now, so much is being said about the sanctity of contracts. In previous Acts, like the Debt Conciliation Act and the Debtor's Protection Act passed by this Provincial Legislature and in the Deccan Relief Act passed by the Imperial Legislature, they have been trying their best to modify the law in respect of contracts, and courts are given power to revise previous contracts in the light of those later laws. It should be remembered that laws are intended for the conduct of the nation, and if the national sentiment and the habits of the people change from time to time, we prescribe laws suited to the conditions existing at the time. So, it is not wrong in passing legislation which would try to give relief to the majority of the people, especially to the poorer classes.

" The Hon. the Leader of the House in his opening speech referred to the case of the poor ryots. But my submission, so far as this Bill is concerned, is that in trying to give relief to the people you are not indeed giving help to the poor man by this Bill, because you are not exempting his property from being attached. So, in any attempt to help the poor man, there ought to be provision for exempting from attachment againt debt a minimum holding of the poor man's property, his farmhouse and his cattle. That means that in the case of poor and small landholders you should be able to wipe out the debt altogether, leaving them some land to live upon. Such a provision is absolutely necessary. Otherwise, you will not be giving them any relief. For instance, take the case of a man who owns one acre and who owes a debt of Rs. 100 or Rs. 150; if the interest on the debt is wiped out, the principal remains against which his property is liable to attachment. When the creditor proceeds against the property, nobody will come to his succour, and the property will be sold, and the agriculturist will not be saved at all. Sir, you got the Civil Procedure Code amended so that salaries of officials of a certain grade are not liable to attachment. Then, why should you allow the poor man's property, his cattle or his farmhouse to be attached and sold out. So my case is that in the case of the poorest landholder, whatever the nature of the debt or however small it may be, he must be given complete relief not only in the shape of interest but also in the shape of principal.

" Sir, in the statement of objects and reasons, it is said that because debt conciliation has failed and because voluntary settlements are a failure they had recourse to this Bill. Unfortunately, my hon. Friend

on the opposite side who was a Government member at the time of the Debt Conciliation Act was being considered by this Legislature opposed us when we pointed out the uselessness of the measure without making conciliation compulsory. Unfortunately also, my hon. Friend, Mr. T. A. Ramalingam Chettiyar, yielded to the Government at the time and agreed to drop the compulsory provisions of the Bill in spite of our protests. So the Act is naturally defective and failed to work, as it was not expected to work. So far as voluntary settlement is concerned, I know, Sir, that in several cases it has proved very satisfactory. For instance as a legal practitioner and as a citizen, I can claim to have settled the claims of ten to fifty lakhs rupees in my dealings with my friends and ryots. I have reduced the debt to the extent of about 50 per cent in all those cases. The only point is that somebody must take interest, and there must be some power in somebody to control that sort of settlement. But if the Debt Conciliation Act had included compulsory provisions for the settlement of debt, it would have been more useful.

"As I was submitting, Sir, land in our country being a national asset, it should be protected. Hence the necessity for the scaling down of debt is admitted on all hands. There is no question of disputing that proposition. But the question in a large majority of cases is this. Any legislation that is to be passed should not only be in the interests of the agriculturist debtor, but it must be in the interest of the larger section of the people, in the interests of both the creditor and the debtor. So, in scaling down the debts, we must take the creditor as well into our confidence and see that he agrees to an arrangement in some way that will be a benefit to the country as a whole and not to one section of the people. It appears from the many instances that have been given in the press and on the platform and the cases quoted by my hon. Friend on the opposite side, as if the recalcitrant debtor is more to be benefited by this Bill than the honest debtors, and the kindest creditor also is to suffer. So, instead of saying that we should stick on to the provisions of the Bill without any modification, as it appears to be so from the general statements made by the Parliamentary Secretaries and some Ministers in their propaganda tours, I submit it is the duty of the Government that they should hear all sides and that they should give room for all people to have their say and act according to considered judgment over the matter.

"I am glad, Sir, that the Hon. the Leader of the House said that the Select Committee will consider representations to be made by the public at the time of the Select Committee meeting and that due consideration will be given to the representations made. I am glad to hear it because it is being said in the country all along that not a word will be changed and that the Government has taken it for granted that every word in the Bill should stand as it is. My submission, Sir, is that the Government should not take the stand on the wording of the Bill itself but should give due consideration to the representations made by the public as well as by the members of the Select Committee. I request

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the Hon. the Prime Minister to see that an opportunity is given to the members of the public who want to make a representation before the Select Committee, instead of telling them that the Select Committee will not hear outside representation of any sort.

" Sir, coming to the provisions of the Bill, I would refer to a few incongruities and anomalies which can be easily removed. Of course, the Hon. the Leader of the House has suggested that every legislation leads to such anomalies. But it is the duty of the legislator to try to avoid as many anomalies as possible. As I have already said, in trying to give relief the poor agriculturist should be given more than the rich one. So I made a submission that the poor agriculturist must be allowed to wipe off all his debts, not only the interest but also the principal. There are certain classes of people who have been excluded from the relief given under this Bill, for instance people paying profession tax. The idea of the framers of the Bill seems to be that the urban population who live by professions other than agriculture should not be given relief. What about the people living in local board and village panchayat areas? Under the Local Boards Act, the local bodies are allowed to levy a profession-tax and if a man pays a tax of more than half a rupee for a half year, he will not come under this Bill, even though he is an agriculturist. The minimum profession-tax under the Local Boards Act is only half a rupee per half year. So everybody who sells beedies or cigarettes in the rural areas and who is liable to be taxed under the Local Boards Act will be almost excluded. If we want to give relief to the rural population, my submission to the Government is that payment of profession-tax under the Local Boards Act should be excluded from this Bill. So far as the income-tax payer is concerned, you are excluding him rightly, as his income will be Rs. 2,000 or more. But, to say that if a man in rural area pays just over half a rupee of tax he should also be excluded, is meaningless. I do not know why such a provision is introduced by the Government. It will affect especially the poor agriculturist who is liable to pay a small tax.

" Then, the other question I come to is the indiscriminate nature of relief that is sought to be given to the richest of agriculturists. I may quote a case where a man purchased property after the depression. The man who owned already some thousand acres borrowed Rs. 50 or Rs. 60 thousand and purchased another thousand acres of land. He is now enjoying an income which is nearly 20 thousand rupees and his whole property is worth about ten lakhs. He does not pay any income-tax or profession-tax. He has acquired recently property worth several lakhs for a nominal consideration of Rs. 50 thousand. Are you going to say that he is not to pay any interest upon the money he has borrowed, though he has very large property and a very large income and is able to repay his debt including interest? There is no meaning in giving relief to such people. While you are excluding from the operation of this Bill landholders who pay *peshkash* exceeding Rs. 500, inamdars who pay a quit rent of over Rs. 100 and under-tenure holders who pay a

-15 m. rent exceeding Rs. 100, what is the meaning of saying that you will allow agriculturists who are holding lands worth lakhs of rupees to have the benefit of this Bill? At the same time you have made provision for excluding janmis paying Rs. 500 and above. Why not make a similar provision in the case of the landholder ryot? There are cases like a man having 100 acres and paying Rs. 500 to the zamindar. Perhaps such a zamindari tenant should pay *peshkash* also. So there must be some way of meeting these incongruities in the Bill.

"Again there are several anomalies which I would like to mention. There is the definition of debt. Take for instance the mesne profits. They are exempted from interest. As I was saying, there may be a variation in the interest charges to be wiped out proportionate to the liability on the land, as in the Bihar Bill. Certain minimum property may be exempted from being proceeded against by the creditor. For instance, one-third may be fixed as the minimum. As some people were saying if it is debt borrowed for agricultural purposes, relief is necessary. So the nature of the debt is an important consideration. If a man has borrowed Rs. 1,000 for spending in connexion with a legislative election, is he to be shown the same consideration as the poor agriculturist? Then there are several people who get large incomes but who do not pay income-tax. Such people are benefited by this Bill.

"Then take the case of transfers under the Transfer of Property Act. Mortgages and decrees have been transferred before the 1st October 1937 *bona fide* for legal consideration. What is to happen to them? I know of a case where a man has lent out Rs. 16,000 on a mortgage 20 years ago and collected Rs. 33,000 as interest. The debt is deemed to be discharged under the present Bill. That man had to transfer that mortgage to somebody, and he transferred the mortgage for Rs. 16,000. Later on, the property was sold for Rs. 25,000. It was sold on the 22nd October 1937; though the suit has taken ten years, execution took place only after the 2nd October. The man to whom the mortgage was transferred cannot get a pie for the Rs. 16,000 that he gave. Similar hard cases there will be; and the pity is that the debtor also does not get any relief. On account of the depression he cannot save property even sufficient for him to live upon. If it is a longstanding debt this measure can be made applicable. Whether it is to be 6 per cent or 4 per cent is immaterial. But to wipe off all interest is illogical and unjust.

"Sir, I have been always fighting against the landlord and in favour of the tenant all my life. But I have to submit that this wiping off of arrears of rent is unjust and ungracious. And even there, my submission is if it is the case of a poor tenant unable to pay, wipe off the principal as well as the interest. I know for instance, in my district, in the case of wet lands, the zamindar pays water-cesses and local cesses. He will have to collect both from the tenant. The water-cess alone comes to Rs. 6 an acre and some tenants have not paid it. What is the use of obtaining a decree and incurring additional cost?"

DR. SIR K. V. REDDI NAYUDU :—" It is rent according to the Estates Land Act."

MR. P. PEDDI RAJU :—" Yes; these cesses come under rent. I can understand the writing-off of interest but I cannot understand the rent itself being wiped off. As I said, if it is to give relief to the minimum holder of land I must certainly welcome that measure. But I know of the case of a big zamindar in our district who has had litigation with his tenant regarding the occupancy right under the Estates Land Act of 1908. The tenant is also a pattadar of 2,000 acres paying Rs. 1,500 as rent. He has not paid a pie to the zamindar. That means the zamindar has to get lakhs from this single tenant as arrears of rent. His estate has been sold away. He has only this debt remaining to his credit, but it is said that this should be wiped out. This man has purchased a number of villages and is a big moneylender. But he will not come under the operation of the Bill. So there must be some relief reaching the natural tiller of the soil, not the man who is much better than the zamindar, much better than the sowcar himself. All I want to say is that while I recommend the introduction of this measure and welcome the Bill being sent to the Select Committee, I appeal to the Government and the Ministry to see that the anomalies are removed as much as possible and opportunities are given for representation before the Select Committee, for these matters to be duly considered."

* DR. P. J. THOMAS :—" Mr. President, I was under the impression that the Bill was intended to give relief to people who are stricken by the trade depression which began in 1930, but I do not find any mention of this in the Statement of Objects and Reasons which is printed at the end of the Bill. However, the Hon. the Leader of the House has pointed out that the slump is also one of the causes that Government have taken into account in bringing forward this measure. Now if the arguments urged against the Bill, whether in the newspapers or in this House, were urged against debts incurred before 1931, I for one cannot see very much in those arguments. It has been pointed out that the sanctity of contract has been violated and also that there would be contraction of credit. In both these statements, there is considerable misunderstanding. First about the sanctity of contracts. The contract entered into between the debtor and creditor was for a certain amount of money. But between 1929 and 1932, prices went down about 50 per cent, and this has made it difficult for the debtor to pay his debts with anything like the old values. Assuming that Rs. 100 then would have purchased 100 sacks of rice, to-day it would require 200 sacks of rice to pay back Rs. 100. Therefore there is a case for modifying the contracts. Depression as a matter of fact, is an act of God. The terrible depression of 1930–32 was certainly one such and it has made it difficult for the debtor to honour his bond; and therefore to insist on Shylock's bond being honoured is unjust. It was on such an occasion in the past that the Deccan Agriculturists Relief Act of 1877 was passed; there was a serious slump in prices after 1866. In these circumstances, we have to change our notions

about the sanctity of contract. There has been too much talk about it, *in the last fifty years, and hence the approaching trouble.*

" Secondly, it has been argued by several persons that if this Bill passes into law, there would be a serious contraction of credit. An article in the *International Review of Agriculture* by Mr. Constanzo was quoted to show that in Europe all drastic measures like the moratorium and the scaling down of debts led to contraction of credit and other evil consequences. Now, I submit that the position of rural credit in Europe is very different from ours. We must remember that much of the debts in Germany, Hungary and Bulgaria was contracted not for unproductive purposes as in this country but for productive purposes. Those loans were regular banking transactions, and to scale them down was bound to create some difficulty in banking. Let us also remember that in Europe most of the rural credit is raised from bankers or co-operative societies. They have very few of the class of money-lenders that we have in this country. It is a well-known thing that in this country loans are advanced mostly by professional money-lenders or agriculturists themselves, and the loans are given chiefly for non-productive purposes, only about 20 per cent being contracted for strictly productive purposes. Not that the rest is all for social ceremonies; various other unproductive purposes consume a good part of the loans raised.

-30 .m. " Now, in a country where credit is so badly misused, where credit (in the words of Gide) ' supports the ryot as the rope supports the hanged man,' one need not be much alarmed about a contraction of credit. Such a contraction is to be welcomed, because facile credit has been the cause of the ryot's ruin. If such credit shrinks, there will be more opportunities for lending by co-operative societies and other institutions controlled by Government. The private lender, whether he be a professional lender or an agriculturist lender, the result is the same. Both want to get the utmost out of the needy ryot. Therefore there is no need to apprehend the contraction of credit.

" Sir, we are here talking about the debts incurred prior to 1932, a period after which conditions have changed. In regard to these debts we should certainly grant relief, because otherwise debtors will have to pay much more than they received. But the same cannot be said of the loans contracted after 1933; for, the prices began to show a tendency to rise. Now, if you give the same relief to these debtors, you will be unfair to the lenders and you will be giving undeserved help to the debtors. It is therefore unfair to treat all debtors alike. Hence the need for some modification of the Bill. Further, there is the question of justice. To make distinctions between debtors, there are indeed difficulties. Of course, an enquiry will bring out what proportion of the outstanding debts were incurred before 1932. But I shall not speak of anything dilatory. It is possible for the Government to get facts by certain normal channels. Some preliminary enquiries made by me have disclosed the fact that the debts contracted after 1932 are not so small a proportion as people think.

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" It has been said that the conciliation system has failed. This has been mentioned in the Statement of Objects and Reasons and several Hon. Ministers have made mention of it. I should like very much to know whether this is true. Had the debtors' position been so pitiable, they would have crowded to the boards. In the Central Provinces, in the very first month of the working of the boards, large numbers of people applied to them. I visited some of the boards in 1934 and I found crowds of people there. Why are things different in Madras, though nearly the same provisions are found in both the Acts? Further, is the Government justified in concluding so early that the boards have failed? It is not more than eleven months since they were started. It is too early to speak about their outcome. We must see whether it is possible to give adequate relief to people by modifying the conciliation machinery. As it has been done in Bengal, conciliation can be made compulsory on certain conditions even if the present Bill passes into law, the conciliation machinery will be required. Without some kind of tribunals, settlement of debts will not be possible. These boards can take all the cases into account and give relief by prescribing easy instalments for repayment wherever suitable and grant relief according to the requirements of each case. Therefore, while it is necessary to pass the Bill with some modifications, it is also necessary to make provision otherwise for setting tribunals which would look into each case and give relief according to requirements. It may be the Conciliation Board, or it may be the district munsif sitting on special days without the intervention of lawyers. Relief must be given not only to landholders but to tenants and labourers also. The Government is keen on resuscitating agricultural industry; if so, let us remember that the cultivator and the labourer are the real props of agriculture. It is they who carry on the industry, not landowners.

" Finally, whatever relief we may give, no cure of indebtedness is possible unless we reorganize rural credit and recondition rural economy. Debt is only a symptom of unsound economic organization. It must be changed by a comprehensive programme of rural uplift."

KHAN BAHADUR T. M. MOIDU SAHIB BAHADUR :—Mr. President, coming as I do from the district of Malabar where the landlords have suffered on account of the recent tenancy legislation passed by this House with haste and without giving proper opportunities to all the landlords to make proper representation, I must strongly oppose this piece of legislation which will have the effect of cutting the throats of the janmis. Everybody knows that even Rajas like the Raja of Chirakkal were not able to pay land revenue year before last and in the previous years. Lands had to be sold for the payment of kist. There are very many janmis who are in the same position even to-day. Legislation must help the rich and poor alike, but this one seems to be intended only to help those to whom the Hon. the Prime Minister or his secretaries or partymen gave promises at election time. With due respect to the Hon. Ministers I must say that. I heard that at a public meeting the Hon. the Chief Minister openly said that he is going to resign if this piece of legislation is not passed. That kind of attitude on the part of a Minister

and his party shows that they are bent upon passing this Bill however much it may adversely affect and even ruin many people. Sir, Malabar is in the grip of a famine. Pepper, the money crop of Malabar, is now selling at Rs. 80 per candy whereas formerly it fetched as much as Rs. 600 per candy; ginger is also in the same condition, and cardamom which recently rose in price has again gone down by 75 per cent. Commodity prices have all gone down and, to add to their misery, this Bill is going to deny them even the arrears of rent. Tenants will certainly take advantage of this. They have already begun to think that it is their Government that is now ruling the Province, as the rural people are mostly congressites. I, on my part, warn the present Government that they are ringing their own death-knell by this piece of legislation hastily enacted simply to keep up their promises. If they are going to keep up their promises, why not the tenants also be made to keep up their promises? Why not they be made to carry out the terms of the covenants made at the registration offices and signed by so many witnesses. These hundis and other documents are all agreements which they must respect. First of all let the Ministers compel the agriculturists to respect their covenants and agreements and then let them respect their pledges to the electorate. Malabar is going to suffer a lot on account of this legislation. Neither the tenants nor the janmis are going to be benefited. If they scale down the debts and say that the whole debt should be paid in ten years, that will be legislation worth applauding. If this is not done, the janmis will be nowhere and they cannot even pay the kist. I belong to a janmi family which was paying, before the partition, about 2 or 3 lakhs of rupees as kist. Now the condition of this family is pitiable. I request the Hon. the Leader of the House to consider these aspects which have been presented to the House by eminent persons like my hon. Friend, Sir K. V. Reddi Nayudu. Sir, if this Bill is not considerably modified some of the janmis will even commit suicide. What is the position of a Malabar karnavan? All the income derived from the family property has to be distributed among the junior members (karnavans) of the family. These karnavans might have contracted debts and simply because the family is assessed to income-tax, these people would not get the benefit of this Bill. Thus a karnam is worse than the agriculturist; he may have some agricultural lands in the rural parts; though living in a municipal town. Such anomalies must be removed. Protection should be given to those who are really in need of it. We must protect the real agriculturist. Some landholders have been postponing the filing of suits; they have been showing some leniency to their tenants. I request the Government and the Hon. the Premier particularly, to give due consideration to all such cases in the Select Committee stage and see that nobody is hit very hard on account of this hasty legislation."

MR. MEDAI DALAVOI KUMARASWAMI MUDALIYAR:—" Sir, I strongly oppose the Bill, as in its present form, it will work serious hardship. I am for giving relief to the agriculturist; I am myself an agriculturist. Simply because a promise was made for their

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own purposes by the Congress at the time of the election, I do not see any reason why a Bill like this should be brought forward for consideration by the House. It is just like a person taking a coconut from a shop close by, belonging to a third person and offering it to God, as if it is his own. Whatever might be the views expressed here, I am sure that the Bill will go through all its stages and will certainly be passed. All the same I feel it my duty to oppose it. Anything done must be for the future and not have retrospective effect."

* RAO BAHADUR M. RAMAN :—" Mr. President, Sir, I wish to speak a few words on the Bill if only to add one more number to the small group of Legislators and hundreds of men outside the Council who are opposing the Bill. No other Bill in modern times has evoked so much adverse criticism from the intelligent public as this Bill. Eminent politicians, lawyers occupying the front rank and other veteran leaders in this Province and elsewhere have seriously criticized the Bill and pointed to the Government their finger of caution. There are no two opinions that there is absolute need for some sort of relief, some sort of improvement in the agricultural and economic condition of the country. Fortunately, the need for any drastic measure passed away in 1934 when the economic condition of the world began to show signs of returning to the normal. It is still true that to-day there is heavy indebtedness in the country among the agriculturists. But there is no need for a drastic measure of this kind. Any measure that is undertaken should have reference to the actual causes that brought about the indebtedness and to the class of people who really deserves it.

" The causes of indebtedness in general are many but the most important appear to be: steep fall in the price of agricultural produce, poor productivity of the soil, fragmentation of holdings, adverse seasonal conditions, costly ceremonies both religious and social, heavy taxation and improvident living. Without trying to improve these, no legislation would really be helpful. The present Bill treats the landlords and creditors as if they are directly responsible for all the misery that circumstances have thus unfortunately brought on the ryots. It is true that the scaling down of interest cannot be done without doing some harm to the creditors. But it is in my opinion wholly unjust to wipe off any part of the principal amount. Interest may be cut down when it is found excessive. The priciple of damduput on which the idea of this drastic cut seems to be based does not contemplate the wiping out of any portion of the capital but it lays down that if at the time of settlement the interest remaining to be paid is more than the principal, double the principal alone should be treated as arrears due on that day. I hope the Bill when it becomes law will be so modified as not to wipe off the whole capital if the amount of interest already paid and what still remains together amount to double the capital. Allow me to add an example to explain my point. A father has left to his only son, a minor, and his widow Rs. 10,000 which was all the wealth he owned and invested it on the mortgage of a land at 10 per cent. The widow has

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been taking interest monthly and living upon it. After 20 years the interest paid would amount to Rs. 20,000. If, as I understand from the wording in the Bill, the whole capital is wiped out, the young man and the poor mother will suddenly become penniless and would be reduced to beggary.

" Instead of relieving indebtedness, the Bill is likely to create fresh debtors. With some restriction on interest, money-lenders should be allowed to practise their profession without hindrance. For, after all, the money-lender, the village bania, is a useful man. He has been in the village perhaps for centuries; there has been a certain amount of neighbourly feeling between him and the villagers and any extraordinary conduct on his part will be looked down with disfavour by the village headmen and leading villagers. It cannot be said that money-lenders in villages are as unreasonable and rapacious as in the city. Debt must be considered on its merits and proper settlement made for mulcting the creditor wherever he has been unduly hard. Money-lenders, good or bad, have been doing useful service to society. Do not extirpate them until proper substitutes are found but control their trade and prevent hard treatment.

" Agriculturists want relief and not mere paper arrangements. When the interest is cut off, the principal amount remaining unpaid will again accumulate with the new rate of 6 per cent interest. Unless this is wholly wiped off, the man would still be at the mercy of the money-lender. When he again wants money and the money-lender is willing to pay, there will be henceforward outright sale, and not mere loans, possibly including in the sale the written off interest also as part of the fresh loan. When there is no possibility of easy loan as a consequence of this Bill, it becomes the duty of the Government to provide sufficient credit facilities. Now that the interest and some capital and arrears of rent are wiped off, there will be general disorganization in the village economy and mutual confidence having been destroyed the creditors will rush to courts for the amount remaining to be paid as there is now justifiable alarm that fresh confiscatory legislation might be attempted by the Government.

" The indebted ryot will have trouble all round. He has to pay off the arrears of rent in order to entitle him to the benefit of the forfeiture of rent due before fasli 1345 and he has to pay off the scaled down debt. He has also to find money for kist and he wants money for the next agricultural operations. What is he going to do? The situation is going to be several times more embarrassing than now. It might be said that any new legislation will have some difficulties to surmount. But where is any hope of a better day for the ryot? The result is likely to be a general demoralization of the agriculturists as a body. In every legislation the principle of public morality should not be lost sight of. Government ought to have confined therefore to bringing down the rate of interest,

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" The general opinion in the country is that the proposed legislation is arbitrary and revolutionary and is the thin end of socialistic methods. In no country has relief been given indiscriminately. It was always confined to the small cultivator who himself cultivates. In the case of big landlords, ordinary law has been allowed. These big landlords are mostly educated and well-informed men who cannot easily be duped or coerced by money-lenders.

" The greatest success has been gained where contractual obliga- 2 P.M.
tions have been respected and the distressed debtors protected. While leaving the main debt and other pressing obligations not provided for, whatever is done will be mere waste of time and energy. It will be just like a man whom you are going to clean who is buried breast deep in dirty water by pouring clean water over his head. The best thing would be to take him out of the dirty water before you begin the cleaning.

" The root cause of indebtedness should first of all be removed and agricultural debt tackled, but along with other general problems of indebtedness. That should not be segregated and if it is segregated, with this 6 per cent low interest, the money borrowed will easily circulate into the hands of non-agricultural people, because there is a chance of getting low interest. Again, Sir, the provision to penalize the kind-hearted landlords for their goodness is bad. For instance, there are landlords who from hereditary love of their tenantry hardly go to court and leave arrears to be paid when the tenants are able to pay. What is the use of writing off of arrears? Do we want the landlords and tenants to live like good people and like a happy family, or do we like them to live like wolves and lambs? The spirit of India is truthfulness and the people try to preserve the good quality which is their native quality. They see that debt is paid off even after several years. The question of this relief is not an easy one to tackle. There are 250 lakhs of acres cultivated by about 61 lakhs of pattadars and the average comes to about 5 acres. As more than a lakh of pattadars own 20 acres and above, the other 60 lakhs own on an average half an acre. The yield from that piece of land per year comes to about Rs. 30 for the whole family, i.e., about Rs. 2 or Rs. 2-8-0 per month getting probably a little more due to the fact that both the cultivator and his family work in the fields. So the average cultivator never makes more than Rs. 30 per year and with this amount he has to live for the whole year and meet all his wants, attend to deaths and ceremonies, marriages and other similar things. Now, of course, expenses have increased; he has also got to meet his political expenses. All these things make him miserable and his debt becomes a chronic debt. How is it possible for you to help him? Probably after three years, you will have to bring in another Bill to wipe off even the capital. Then, what will become of the economic condition of the country? It will be like sweeping the windows of a house near a dusty road; if you clean one window, it will become again dusty in another five minutes.

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"If you pick out only the most needy and deserving cases, the amount will be only 10 crores as I estimate it. Even if you pay it off, it will again accumulate, but still the most deserving cases will have to be helped somehow or other. I do not mean to say that the big pannayars of Tanjore should be helped. At this stage I wish to say something with regard to my own district. The condition of Malabar, in spite of some gentlemen being in the Council and in the Government, has often been miserable. The janmis are very miserable. I have experience of all the districts of the Presidency and there are no landlords in other districts so poor as the landlords in my district. There, you cannot get Rs. 100 ready money or any loan. Of course, the landlords are good to their tenants and are kind-hearted, but they are very heavily indebted. For instance, there is one Thazhakat Mana paying a kist of Rs. 6,000 before the settlement and now paying Rs. 20,000. There are also the Chirakkal and Arakkal Rajas. They are all ideal landlords, but very miserable and they cannot get on without getting their rent. If you wipe off the interest and rent of the tenants, it is not merely cruel but unwise."

* MR. PRESIDENT:—"Does the hon. Member wish to speak long? We have now to adjourn for lunch. If the hon. Member likes, he can finish his speech in five minutes more."

RAO BAHADUR M. RAMAN:—"Thank you, Sir. It is assumed in the Bill that they are going to protect and give relief to skilled agriculturists. That, in my opinion, is the greatest misconception that has crept into the Bill. On the other hand, they do not do anything of the kind. For instance, there are 240 lakhs of landless agricultural labourers, whereas there are only 60 lakhs of pattadars. The skilled labourer is not the man who has any land, but the person who knows how to select the seed, how to manure and water the lands and things of that kind. Of course, I admit we cannot do anything for him and we are not attempting it now, but there is no point in saying that we are going to protect the skilled labourer.

"My suggestion is a very curious one. I am neither a financier, nor a politician, nor a lawyer; I am only a surveyor. Therefore, my idea is that you must inflate the currency and pay off all the debts of the indebted tenants to be recovered, say, in 40 yearly instalments. This will have the effect—and a desirable effect too—so far as the Government is concerned, of reducing the salary of Government servants, on whom the Government has been having an eye for a long time. Poor Government servants! In my opinion, I think the Bill should be fully revised. I do not think they have taken into consideration the land revenue system and the Marumakkattayam system in Malabar. So, it is faulty in some respects and therefore requires special scrutiny as regards Malabar. I hope the Committee which is going to be appointed will look into all these matters."

The Council then adjourned for lunch to meet again at 2-45 p.m.

(After Lunch—2-45 p.m.)

IV.—HOUSE COMMITTEE—*cont.*

* MR. PRESIDENT:—"I have to inform the house that the following six candidates were duly nominated for election to the House Committee:—

(1) Mr. R. Srinivasa Ayyangar.
(2) Mr. K. P. Mallikarjunudu.
(3) Mr. S. A. S. Rm. Ramanathan Chettiyar.
(4) Mr. M. Narayana Menon.
(5) Rao Bahadur M. Ramakrishna Reddi.
(6) Mr. J. A. Saldanha.

As the number of candidates nominated for election is equal to the number of vacancies to be filled, namely, six, I hereby declare them duly elected.

In addition to the above, I nominate under rule 143 of the Madras Council Rules:—

(1) Mrs. Mona Hensman and
(2) Khan Bahadur T. M. Moidu Sahib Bahadur.

to be members of the said Committee.

The Deputy President is ex-officio Chairman of the Committee."

V.—THE MADRAS AGRICULTURISTS RELIEF BILL OF 1937—*cont.*

The Council then resumed discussion on the Madras Agriculturists Relief Bill.

* MR. D. MANJAYA HEGDE:—"I am not one of those who oppose this measure. At the same time it is impossible for me to accept all the provisions of the Bill. This Bill has been before the public for the past three weeks and it has attracted a volume of criticism both for and against. Now, whatever may be the nature of the criticisms, I cannot find persons who are against the fundamental principles of the Bill. We must realize the importance of the Bill and the effect it will produce on the masses. By this I do not mean that the Bill as it is must be accepted. There are some provisions which require some changes. For example, the rule regarding assignments before 1st October of this year and the principles as to calculating the principal in the case of renewals ought to be taken into consideration. The definition of the word 'agriculturist' must be altered in order to include a greater number. I hope the Select Committee will consider these things when they take the Bill into consideration. Now, this measure if it is passed as it is will give rise to some trouble. The Select Committee must take serious caution and give considerate attention to the amendments proposed. Now this is so far as indebtedness is concerned. Side by side with it we require some other alternative measures to be adopted. For example, provision for rural credit and revival of cottage industries, etc., must be attended to. I think

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this is one of the boldest measures which will draw the attention, not only of the whole of India but outside too, as it affects the welfare of the rural population. Some have raised the question of the competency of this legislature to deal with this matter. I think it is a matter upon which the Government have consulted their legal advisers or law officers and they will do the needful to put themselves right if necessary. With these words I support the motion before the House."

* Rao Bahadur M. RAMAKRISHNA REDDI :—" Mr. President, Sir, I am very glad to see that after all the miserable condition of the ryots in this Presidency has challenged the attention of the Government and we are now seeing tangible expression of that in the form of this Bill which is now before this Hon. House for consideration. I do admit as a practical agriculturist that certainly there are certain provisions which will help the ryot population of this Presidency. But at the same time I would like to take to the notice of the Government that there are some provisions whose disadvantages outweigh the advantages in the long run. I am one of those who believe that the present Bill is going to give only temporary relief to the agriculturists in general. The Government should see that they root out the real cause that brought about this miserable state of affairs of the ryots in this Presidency. It is admitted on all hands that the real causes that bring about the miserable condition of the ryot are due to the heavy assessments the ryot has to pay to the Government every year, the want of facilities to sell the produce in the proper market and the very strict forest rules that prevent the ryot from getting the leaf manure, grass and dried wood from the neighbouring forests. By giving effect to the system of this scaling down of the debt, it is not going to help the ryots. The Government should see that they give the facilities I suggested just now to make their condition happy and comfortable. Mr. President, I see under clause 8 the debtors are not bound to pay interest on the principal they borrowed. When the debtor refuses to pay interest to the creditor, naturally, the creditor will insist on the debtor to pay the principal. Where is the principal for him to pay? If he is not in a position to pay the principal, then the creditor will insist on him to sell away the lands under extraordinary circumstances which are not favourable to him and the poor man has to sell them away and get his release from the creditor. When he gets the demand for principal he is not able to pay. I would only suggest to the Government to save the debtors from that miserable plight. One thing that struck me most prominently in respect of this Bill is, that after all Government is not contributing anything towards the ryots but are generously asking somebody to lose and forego. The Government is not going to lose a pie. 'If a marriage takes place in another man's house I will be very generous to distribute the dishes very liberally,' said a woman. Like that you are getting hold of the thrifts of some man and asking other men to take the benefit. What is it that the Government has to do? What is the part that it is playing now? Why not the Government raise a loan and pay the principal to

the creditor telling him that he knowingly or unknowingly has paid the amount and that he had to take back the principal. Then the creditor will be very happy to receive the principal. Otherwise the creditor will go to a court of law and recover the money. You will have to satisfy the creditor also. The debtor also will be happy because you are relieving him of the interest according to this law. Instead of doing that you are troubling some other persons by saying 'you don't take the interest.' Why not Government come forward and say, 'Here is the principal.' Let them take possession of the lands of the debtors and give them the chance of paying it in 40 instalments. You will then be doing a real service to humanity. That is my humble suggestion.

"I am quite in agreement with the 6 per cent interest with regard to future debts. We are here to support you. With regard to the interest on old debts there are some difficulties which I shall place presently before you. In villages there are some persons who sold lands to their neighbours. The neighbour purchases the lands. As an agriculturist he ploughs the land every year. He gets profit out of the land. Even to-day the lands are in his possession. In return for the land he purchased he gives a pro-note. Now, after 5 or 6 years you are telling him about this law. What is the position of the creditor? Is it a sin to give land to him and help his living? Is there justification for such a procedure? There are lands even today in the possession of the debtor. Year after year he is making profit. In that case what is the reason for saying, 'you creditors don't take interest.' I think there is no meaning in that.

"There are persons who need money to buy bullocks for cultivation purposes. For instance, take the case of a man who is not able in these days of struggle for existence to make both ends meet and who has no cash to purchase bullocks. He goes to another man and says, 'I am a poor man; why not you lend me some money to purchase a pair of bullocks?' The other man has got some sympathy and advances him Rs. 200. He purchases a pair of bullocks and tills his land and thus makes a living. On account of the depression he is not able to pay even the interest in time. Are you going to say to the creditor, 'you have given him money for purchasing bullocks, so you have committed a sin and you shall not take interest on the amount. The debtor is using the bullocks even to-day and earning something to maintain his big family. Are you going to tell him that here is a Bill which says, 'don't pay any interest to the creditor'? There are so many cases like that. In big towns there are rich persons who by profession are money-lenders, and in such cases I can understand the Government insisting on the professional money-lenders not to take interest. But to people who have saved small sums out of their agricultural earnings and lent them to their neighbours for purchasing a small plot of land or bullocks or something like that, if you say 'don't take interest,' I think you are doing the greatest harm to the ryot population. I would therefore submit that the disadvantage

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will be far greater than the advantages that the agriculturists will derive from this Bill.

"Again, the Government, as I have said already, has made no contribution for the relief of the ryot's debt. You have also excluded from the operation of the Bill co-operative societies, land mortgage banks and so many other lending institutions. Are not the ryots taking money from the co-operative societies? Why not you give them the same facility in regard to co-operative societies? The Government *is safeguarding its own property. But the Hon. the Premier will say* that the State is nothing but the people. And yet, would say 'don't touch our money.' For instance, in villages ryots borrow money from the Government for agricultural operations and for improvement of lands. For such loans also you must say, 'here is a Government which is not going to ask you to pay interest on these amounts.' Therefore, my only request is that the Government should come forward and say, 'you pay back only the principal and no more interest' and then set up the example as a model creditor. In regard to the other debts of the ryots also, the Government should come forward and say to the creditor, 'here is the money, the principal you have lent, take it,' and then the creditor and the debtor will both be satisfied. Instead of doing that, simply to say 'we are going to cut the throat of one man in order to save the other man' is a cruel thing, as the agriculturist *himself would think. I am not a lawyer, but I am only an agriculturist.* I know there are some people who have paid income-tax on incomes supposed to have been earned by way of interest on money lent. What is the fate of such people if they had already paid the income-tax to the Government? For the purpose of assessing income-tax, they are asked to produce accounts, and according to the accounts, they have to pay income-tax. Now, you say by a new law, 'don't take interest for so many years.' Are you going to give them a remission of income-tax or return the amount already paid by way of income-tax? That is a question which the Government should consider.

"With regard to the zamindari areas, it is said that the arrears of rent must be wiped out. I understand that on account of this provision the Tirupati Devasthanam, which is a big estate-holder, is going to lose nearly 40 lakhs. I can understand a rule which says that here is a rich man and he need not take the arrears from the poor man. But irrespective of the status, of the richness or the poverty of the *man, to say to everybody* 'don't pay the arrears' is unreasonable. Has not the Government collected peshkash from the zamindar? You are aware that he has got some credit to his account and on that basis you have collected the peshkash from him. Now, you say 'don't collect the arrears of rent from your tenant, but write it off.' The Tirupati Devasthanam, I know, has paid peshkash to the Government even for the current fasli. *So you must take into consideration all such* facts. I can understand when you say, 'you should give 50 per cent remission or something like that to the tenants, but do not write off everything without refunding the proportionate peshkash amount,

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" What I say is this. The principle of the Bill is right when you are helping the ryot, so far as the interest for future debts is concerned, by fixing it as low as possible. Many of the agriculturists are creditors, and when you wipe out the arrears of interest and rent altogether, their fate is sealed, and people who can afford to pay are let off scot free. So, I request the Government to consider all these aspects carefully and cautiously when the Bill comes up before the Select Committee."

MR. B. NARAYANASWAMI NAYUDU:—" Mr. President, I did not intend to speak on this occasion owing to several reasons, but somehow or other I now consider it my duty to put forward my views on the matter. It must be admitted that agricultural indebtedness is one of the outstanding problems of this Presidency and the importance of the problem must engage the attention of any Government at any time. It has not been doubted by anybody in this House that the load of debt on the agriculturist is indeed very very heavy and requires urgent relief. That is a fundamental fact which must be taken into consideration. Hon. Members who are against this Bill have not disputed that fact. But the character of that load must be understood. A debt load of 1930 is not the same as the load of 1933. The fall in prices and the fall in the rupee value of land after 1930 has nearly doubled the load of debt which was incurred before that year. What I can discharge in 1930 by selling one acre of land, I cannot now discharge except by selling 3 or 4 acres. This also must be taken into consideration because, the point has been raised that undue preference has been given to the agriculturists and that justice has not been meted out to the creditors. In terms of justice as Prof. Thomas has pointed out, the rupee value of the land, the rupee value of commodities and all those things justify not merely the scaling down of interest but also the principal. As a matter of fact, a sympathetic Government ought to have said to the creditor, 'take the land at the value when you advanced the money.' Of course, that will involve much economic enquiry into complicated details, and so an equitable step has to be taken. The only consideration for the Government is, what steps should be taken? Is it to be done by asking the persons who have lent money to take it according to the value of the land then prevalent or by any other suitable form? In order to solve this question there is one important point which should occupy the consideration of this House. The structure of agriculture rests on the rate of interest the agriculturist can pay, and if the agriculturist cannot pay it, the structure falls to the ground. That structure is also dependant on the land revenue he has to pay and the capacity of the agriculturist to carry on his cultivation. Therefore, anything which enables the agriculturist to lessen his burden of charges, such as debt relief, must be welcomed, because 80 per cent of the people follow agriculture and a pivotal industry like agriculture has to be protected. The only question therefore is, what is the method? A criticism has been made that

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a big landholder with a thousand acres should be able to pay. I respectfully submit that in this Bill we are not concerned with people but with property. The Government at present is concerned only with agriculture as an industry. Is it a paying industry? If it is not a paying industry for the ordinary agriculturist, it is not also paying for the one thousand acres man, and he has also to be relieved. The industry must be safeguarded if indebtedness is going to sap the fruits of agriculture. So, it is not merely the small agriculturist that requires relief but also the big agriculturist on whose economic condition also depends agriculture. The condition of the industry as a whole is now before the consideration of the House. Are you going to exterminate all the big landholders or keep them going in support of the provincial finance? I suppose that is the reason why the Government said that the definition of 'agriculturist' in the Bill should include almost every agriculturist, big and small. I do hope that the definition will undergo modification in the Select Committee so as to include also persons who are agriculturists, although they savour something of urban areas, and all agriculturists who are liable to pay a tax under the Local Boards Act. I think it is a good principle to adopt in this Bill that agriculturists alone and nobody else should come in. But there are also persons living in village panchayats who do pay some tax and who really and essentially depend on agriculture. I hope the Select Committee will liberalize the provision in order that those persons also may come in.

"There is another matter to which I should like to refer. The people who have paid income-tax during the last three years have been rightly excluded from this Bill. But the criticism is made that people have paid the tax already and that if they are now not to receive the arrears of interest on moneys lent, the income-tax paid should be refunded. In the payment of income-tax, the income-tax authorities assess people on incomes they have actually derived already and not upon income to be derived in future. Suppose the interest has been collected and it is assessed for income-tax as income; then there is no point in saying that any income-tax paid should be refunded.

"However, I put it that the real fundamental question is how to revive the industry. Let us be bold and push it to the extreme limit, so that we can say that here we have done something to the industry. My stand is not that the Bill has gone far enough but that it ought to go further. The relief now provided is what may be called a typical legal relief. The relief really needed in the economic sense has not been provided for. I do hope that this Bill will be supplemented, if not in the Select Committee but later on, by other measures in order to make the industry of agriculture a paying one. As I said already, for agriculture to thrive as an industry there are several factors to be considered. There is the fall in prices of agricultural produce and there is the fall in the rupee value of land. The Government must take some steps to raise the price of agricultural commodities. Apart from prices, there is the heavy land tax payable to the Government. This

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land tax is the first item of charge on land and every rupee of tax strikes at the root of agriculture. Unhappily, this Bill says that Government revenue and some other things are exempt from it. I hope Government will see their way to take steps, so that the incidence of this taxation is put at a proper limit.

"Objection has been raised that the Bill is one of socialistic or communistic tendency. No doubt, to some extent it is so. But on depeer consideration, we will find that it is not socialistic, but it is extremely conservative. No doubt, section 8 says the interest shall be deemed to have been discharged. But section 10 says the interest hereafter shall be 6 per cent. I ask, where is socialism in this when it is enjoined on debtors to pay 6 per cent interest on the deht? Thus, the debts have been scaled down a bit, though according to land values and prices of commodities it is not adequate. Therefore, that is the only equitable way in which you can give effect to the principle, and it cannot be said that the Bill is out for socialistic legislation.

"With regard to the arrears of rent, it has been said that the Bill savours of socialism. But here again it is coupled with the proviso that unless you pay the rent for the two faslis you cannot have the concession. That condition has been definitely and deliberately put in by the Government in order to make the Bill free from any socialistio tendency. I think the Maharajas and Rajas and other landholders must be prepared to lend a helping hand to relieve the peasantry of the country. I do think that it is a very ancient dharma. I believe the landholders are alive to their responsibility and realise that such help rendered is a more valuable asset than a discontented peasantry. I do hope that this Congress Government also will play its necessary part in this matter, and all that this Bill would do ought not to be taken as an indication that there is nothing more to be done. I do find that certain forces are already at work in the country making propaganda among the tenantry to the effect that they need not pay any rent at all to the landholders. I hope the Select Committee will safeguard the interests of landholders so as to adjust as far as possible the relationship between the landholder and the tenant in order to bring about amicable relations between them. I do hope that this occasion is the best opportunity for the Congress Government to set right the feeling of acrimony existing between the zamindar and the tenant and to see that they are put on what may he called an equitable basis which will enure to the prosperity of both of them.

"As I said, better prospects for the ryot rest upon a real and substantial measure to be brought forward to rehabilitate him.

"Something has been said about principal. I can assure hon. Members that the principal is enough if it is held safe without interest. On the contrary, unless you provide him with the means to stand on his own legs, the object of the Bill will be frustrated. Other measures should be brought forward to make the ryot stand on his own

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legs and no more dependent on the sowcar. I do beseech the House t take into consideration that most essential part of the Bill."

* MR. J. A. SALDANHA:—" Mr. President, Sir, I think tha much of the misapprehension that exists in the mind of the publi could have been removed had the Prime Minister made it clear tha this Bill is only a first step in the way of relief to the agriculturist debtors, because I am sure he has got in his mind a number of measure to be brought in for the relief of the agriculturist. If he had state them in the Statement of Objects and Reasons there would have bee no room for these apprehensions. Sir, there is a provision in the Bil that interest on all old debts should go for ever. That is a drasti measure. I am sure that in the light of the uniform opinion on thi subject, payment of a reasonable portion of the interest will be pro vided for. In the light of the experience I have had in the Bomba Presidency in working the Dekkan Agriculturists Relief Act, I wisl to say a few words. There are two sets of conflicting opinions on thi measure. It is said that if the sanctity of contract is not observed i will disturb the mutual good relations that are subsisting between th landlord and the tenant and between the sowcar and the debtor and s this is a very doubtful measure and so on. On the other hand, there i the extreme opinion that the Bill is not going far enough. Now, Sir, i this Bill is wrecked or modified out of shape on account of pressur from certain section of the people it will probably be that we are play ing into the hands of socialism. One member had said that this i the thin end of the wedge. It may be that if this measure is wrecke *in toto*, we shall be playing into the hands of socialism. But we shal be, sooner or later, sooner than later, have to face a measure to wipe of landlordism, to wipe off all debts, all principal. Even in a peacefu district like South Kanara, we have got the trouble arising from labour strikes and things of that sort. Now things are getting very bad. S we must support this measure with such amendments as are necessar to make it more effective for the benefit of the ryots, without doin injustice to the landlord or the sowcar. We must recognise the fac that there is a load of indebtedness in this country and a majority o the population are groaning under it. This millstone is hanging roun their necks, in front and at the back. To remove that load is our firs business. Let us consider afterwards how to give vigour to the ryo and all that.

" Much ado was made about contracts. I must ask whether sucl a thing as sanctity of contracts as understood in modern times wa known in ancient India. According to the Hindu Sastras, accordin to Christian religion, according to Muhammadan religion, what i meant by sanctity of contract? Payment of debt is sanctified and no payment of interest. Have we not got legislation in the past in th Dekkan Agriculturists' Relief Act, 1879, for reduction of interest u to certain limits? Where was then sanctity of contract? When I wa in Bombay I never allowed interest of more than 5 per cent.

"Another thing under that Act is the application of the principle of damdupat. I think it is applied in a wrong manner altogether in this Bill. What is understood by damdupat under that Act and as practised in Bombay is very equitable. The principle of damdupat is applied when the balance of interest exceeds the balance of principal and only in that case after the accounts are made under section 13. I commend this section of the Act as a very equitable section which works the principle of damdupat after careful calculation. If it is applied in that manner all this alarm will be removed.

"Then as to rent, it is based on ancient custom. It was not fixed in the manner of rackrenting as it obtains nowadays. Now rackrenting is going on merrily. So it is necessary that a reasonable fair rent must be fixed to be paid within a reasonable period.

"I shall not tax the patience of this House by going into the details of this measure. The Select Committee will, I am sure, consider the Dekkhan Agriculturists' Relief Act and other Acts and do the needful in order to remove any obnoxious provisions, and so as to do justice to the landlord and the sowcar at the same time.

"Another point is, there is no provision in the Bill for *compulsory* conciliatory measures, as under the Bombay Act. Conciliation must be made compulsory. We have got already an Act, the Debt Conciliation Act. It may be made compulsory on the litigant before he goes to Court. This would in a large measure minimise litigation. I hope the Select Committee will pay attention to these points of view, on the side of the debtor as well as the creditor. The fundamental thing is the removal of this load of debt. I hope the Government will bring other measures also for the relief of the agriculturists."

* MR. T. A. RAMALINGAM CHETTIYAR:—"Mr. President, Sir, many of the difficulties which the speakers on the other side have felt have been due to their misconception as regards what this Bill seeks to do. They seem to be under the impression that the Bill contains all the relief the Government is going to give to the agriculturists. Sir, it has been said by more than one speaker that the Government is not contributing anything to the relief of the agriculturist and it is only a matter of robbing Peter to pay Paul. If only these speakers have taken the trouble to see what is the scope of the Bill, I think this sort of criticism will not be there. This is only a Bill to adjust the relations between the creditor and the debtor; it is not relief given to the agriculturist from the Government's coffer or anything like that. Sir, it has been stated that the agriculturists are under debt and they require relief. They are in debt mainly because agriculture itself is not a paying proposition. The agriculturist has to carry on his profession for which he has to borrow; and these borrowings are accumulating; and it has been stated that almost every plot of land in a village changes hand once in 40 or 50 years, except in the ease of lands of those people who have got other sources of income. This has been the result of the enquiry conducted by numerous economists who

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have studied rural economics. Well, Sir, if that is the case, of course the present Bill will not bring in the millennium, but it is only going to deal with the present situation. Sir, a man wants food every day, and he is very hungry at the present moment. We are not going to provide him with food for all the days; on that account are we to say that he can have no food? The present position is the agriculturist is in a very sorry plight. First we have got to deal with the matter as it is and then devise measures for the future in such a way as to enable him to have his daily food. That is the position.

"Again, Dr. Thomas has misread the object of this Bill. All of us who have been studying the effects of depression, and the effects of depression on the agriculturist especially, have been saying that the agriculturist has been hard hit.

"But this Bill is not intended only to meet that situation. If the object of the Bill had been only that much, that is giving relief to agriculturists with reference to the depression, his criticism would have been correct. This Bill is intended not only to meet the position that has arisen on account of depression, but it is also intended to improve the general condition of the agriculturists who are now debtors all through their life. This is therefore a general Bill dealing with the agriculturists' situation and not merely intended to meet the situation that has arisen on account of depression. No doubt the difficulty in which the agriculturists find themselves has been accentuated by the depression; and many of us who studied their position wanted to give relief. Sir, it was in 1930–1931 that their position was the worst and it was in that year that the Central Provinces Government first started the question of debt relief and brought forward their Debt Conciliation Bill. Sir, immediately after that, I appealed to the Government here to take some steps to give relief to the agriculturists. I found, however, that the Government was not responsive. I therefore took the responsibility for bringing forward a Debt Conciliation Bill myself. My hon. Friend Sir K. V. Reddi Nayudu just now pleaded that we are hurrying with this measure, that we art not allowing time and that we are not studying the question relating to agriculturists' debts. Unfortunately, he forgets that this is a continuous process. We are not now starting for the first time to give relief to the agriculturists. We started doing it at least when my Bill was introduced in the old Council in the year 1932. But what did the Government of the day represented by my hon. Friend Sir K. V. Reddi Nayudu do then? He would not allow me any facility to expedite my Bill."

Dr. Sir K. V. REDDI NAYUDU:—"Mr. President, I rise to make a personal explanation. It is rather very unfortunate that my hon. Friend does not recognize what I have done for him. (Laughter.) I appointed a Special Officer on whose report reliance has been placed by no less a person than the Hon. the Leader of the House. It is I who appointed Mr. Satyanathan. I may also point out that after his report was received, every one of the clauses, except the compulsion clause, was accepted by us. The proceedings of the Council will show that."

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* MR. T. A. RAMALINGAM CHETTIYAR :—" I am glad that now at least the hon. Member feels it. But this feeling was absent when I wanted his help. What did he do? The Bill that was introduced in 1932 could be passed in the Council only in 1935. [Dr. Sir K. V. Reddi Nayudu: Because we always took time, Sir. (Laughter.) You cannot rush through legislation.] Sir, it was an emergency measure. It was passed in the Central Provinces Council in three months. I wanted special facilities to enact a similar measure for our province urgently. I went over to the Governor and asked for a special day for the Bill. And what did my hon. Friend who represented the Government then do? He put spokes in the wheel at every turn, and when the matter was taken up in the Select Committee, he appointed a special officer who took nearly a year to make his report. That is the service he has done me. At any rate he has done this service to-day; he has made a speech to-day but for which I would not have taken part in the discussion at all. (Laughter and cries of ' Hear, hear.') That is the sort of time that he wants to have for the consideration of measures of this kind. If we are going to take his advice and begin to study the question again and draft a Bill at the end of that study, I do not think the agriculturist will see the end of his troubles at any time. Sir, that is not the sort of thing that we want. All of us who have been dealing with the agriculturists want some speedy remedy to be provided.

" My hon. Friend said that the Debt Conciliation Act is there and that the possibilities of giving relief under it have not been exhausted. Well, Sir, I suppose I ought to know something about the Debt Conciliation Act. As he himself admitted, I wanted some compulsory powers which he was not prepared to give. I also wanted the power to introduce a sort of rural insolvency in the Bill itself by reserving to such of the debtors as cannot pay, a certain acreage and distributing the rest of their lands among the creditors. To that also he would not agree. That was the position, and I had to agree to it subjecting myself to the complaint of my hon. Friend Mr. Peddi Raju. Now, under the Debt Conciliation Act each man has to apply, his assets and liabilities have to be found out and then the debtor and the creditor have to be brought together and made to agree to some arrrangement. That is the scheme of the Debt Conciliation Bill. Even then there is nothing to compel the people to come to an agreement. There is nothing on the basis of which we could settle what actually is the amount due by the debtor to the creditor. These are matters about which some arrangement will have to be made. All that the present Bill seeks to do is to settle the amount that has to be paid by the debtor to the creditor. That is the scope of this Bill and no more. Without this arrangement it will not be possible to come to a settlement as regards the liabilities which the debtor has to pay. So, Sir, this necessity exists even if the Debt Conciliation Act is going to be worked well. But, as I said, it is very difficult to work the Debt Conciliation Act. It is necessary to have something more speedy and swifter than the elaborate

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and complicated process that has to be gone through under the Debt Conciliation Act. It was for want of better means that we had to accept the Debt Conciliation Act as passed.

"Sir, it was referred to by Prof. Thomas that in other provinces they are able to do something under similar Acts. Sir, with the limited powers given under the Debt Conciliation Act in force in the other provinces—they also work more or less on the same voluntary basis as in Madras—they have been able to do a lot. In the State of Bhawalpur and in the Central Provinces and in the Punjab where it was started only last year, they have been able to do a great deal. In Bhawalpur, conciliation had the effect of reducing debts from about 82 lakhs to about 23 lakhs. In the Central Provinces voluntary conciliation has reduced the debt by about 40 per cent. I do not know the latest figures. But up to last year, conciliation worked to effect a reduction in the total debts which came up before the boards and succeeded in reducing them by about 40 per cent. That was the result of voluntary conciliation. If we are going to give effect to that sort of arrangement by which the debts can be reduced here, the position of our agriculturists can certainly be bettered.

"No doubt, Sir, some of our friends pointed out some defects. They said that there are some anomalies. Well, these will be found in every measure. It is necessary that some effort has to be made to rectify those defects. The Hon. the Premier has already stated that if constructive proposals are made, they will be considered in the Select Committee. So I only hope that those who find anomalies and defects will bring them to the notice of the Select Committee and suggest formula to get over them. I am sure the Select Committee that may be appointed will go through them and try to solve these hardships and anomalies.

"Sir, then about the loans of Government and the loans of co-operative societies. It was said, 'Why should they be exempted?' The reason is obvious. I am not here to justify the high rate of interest charged by co-operative societies. But I know as a matter of fact that the societies themselves are trying to reduce the rates charged by them and if they do not do so, they will be compelled to reduce the rates. As regards these societies, however, we must remember that they are not ordinary credit societies. They are mutual benefit societies. If a man who borrows does not repay as a borrower, he will have to contribute as a member, because the amount will have to be made good. The money is borrowed on the joint responsibility of the members themselves. If you are going to excuse the man as a borrower the result will be that he will have to contribute as a member to make up the deficit. It does not make very much difference in what capacity he pays. Similarly, Government have borrowed and lent. They have not lent from their own coffers. They have no money of their own. All that they are doing is that they are charging a little extra for meeting the charges of the agency engaged in this work. If they are now

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asked to forego a portion of their dues it will only mean that they will have to increase taxation to the same extent and other people will have to pay it. For the purpose of giving relief to a few people, there is no justification whatever for making them and others pay. That is the reason why these cases had to be excluded.

"Then, Sir, it was said that credit will be affected. But what is the position now? The position now is that the agriculturists have very little credit on account of the heaviness of their existing debt. They will be in a better position hereafter to raise money and get what they want. We know that the debts have not all been incurred for productive purposes.

"Some hon. Members made the suggestion that we should enquire into the origin of these debts and should deal with each debt in ways suitable to it. Sir, even if it were possible to do that, it would be a very elaborate process. Each man borrows for a variety of purposes. So far as the borrower is concerned it makes no difference whether it is spent on a productive purpose or a non-productive purpose. Some might have borrowed for conducting marriages and some might have borrowed for various domestic purposes. All the same they all have the effect of pulling him down. Similarly, the creditor also does not make any difference whether the borrower wants a loan for productive purposes or not and does not charge higher rate of interest if the debt is for non-productive purposes. It will be very difficult indeed if you are going to have an enquiry into the origin of these debts. It will be an impossibility and I do not think it will be possible to make an enquiry like that. Therefore to say that we are going to give relief only in such cases in which a debt borrowed was borrowed for proper purposes it will only result in denying the help that we are proposing to give.

"It was also suggested that we will have to find out who deserves 3
help and who does not. There will be difficulty to find out the assets P
of a man. You have to find out what the assets of a man are, what the liabilities of the man are and what relief he wants. They vary. How are you going to deal with it, unless you go into every case separately. It will not be possible to do anything like that. All that this Bill proposes to do is to have a sort of rough and ready method by which relief can be given to certain classes of people. No doubt there will be some hard cases and it is for the Select Committee to consider how to provide for them.

"There is, then the question of compensation. It is for the Select Committee to consider whether any compensation should be given. That is a point which will have to be considered. On principle, I do not think we can really make any difference between one case and another and what is required in one case and what is not required in another case. All that is possible to do in a Bill of this sort is to enunciate certain principles on which the whole thing should be worked.

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"More than one speaker referred to the case of a person purchasing property. There are persons who purchase property promising to pay a portion of the amount later and execute a mortgage on the property. I think that some sort of help or relief should be given in such cases. I think relief should be given to the person who actually suffers much loss. I do not know what the view of the Select Committee will be in the case of a person who has undertaken to pay a debt and does not pay it. Personally I am of the opinion that in a case like that, there will be no justification for giving relief to the borrower, because he has defaulted; he has undertaken to pay and he has not paid. I think the principles of the Bill cannot be objected to. It is for the Select Committee to go into details in regard to hard cases. After finding the amount due, how is the debt to be liquidated is a question which the Government will have to take up."

* KHAN BAHADUR SIR MAHOMED USMAN SAHIB BAHADUR:—"Mr. President, Sir, the object of this Bill is to afford relief to the indebted agriculturist. As regards this, there is no difference of opinion. Everybody is agreed that the condition of the agriculturist is such that some relief should be afforded. A good deal of criticism has been offered to certain provisions of the Bill, because interests other than agricultural have been affected rather injuriously. As everybody knows, interest on the money lent is a forbidden fruit according to my religion. All the same we should remember that this House has to legislate for communities to whom interest is not a forbidden fruit. If the entire wiping out of interest in the case of the latter creates many great difficulties I think it is but fair, right and just that a small rate of interest should be allowed. I am sure the Select Committee will go into this question very carefully.

"Sir, another important interest that is affected by the Bill is that of the landowners and the zamindars. I am afraid that the provisions of the Bill do not do justice to them. All arrears of rent are written off as it were, by a stroke of the pen. We must remember that the zamindars have paid the peshkash and land-cess to Government on the arrears of rent which they hope to collect according to the existing law. If the present Bill is passed the Government should refund to them all the taxes they have paid. I do not think it will be possible for the Government to do so. But the Government should consider how they can give relief in such cases.

"Another point is this; many zamindars have filed in the courts a number of cases for the recovery of rent and obtained decrees. If the arrears covered by these decrees were to be wiped out, the zamindars are entitled to the payment of at least the cost of all legal proceedings. It is but fair that we should pay these costs. As has been pointed out by some hon. Members, it is not fair to wipe out the whole of the arrears of rent. We may wipe out a portion of it. We must see that the remainder is secured to them.

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" For the last few days I had conversations and conferences with some of the enlightened and representative zamindars of this Presidency. From my talks with them, I find that they fully realize the present situation. As far as I am able to gather, their attitude towards the Bill is not one of blind opposition. They say that, if only the Government will take into consideration their difficulties, they will also be very glad to help the ryots. They say that, in the interest of their ryots, they are prepared to remit a reasonable portion of their arrears of rents, provided the Government do make proper provision in the Bill for the safe and sure collection of the unremitted portion. This is a very reasonable proposition. I think the zamindars are showing a generous gesture. I hope that the hand of co-operation extended by the enlightened zamindars will not be rejected by the Government. On the other hand the Government should do their utmost to see that the interests of the zamindars are properly safeguarded.

" I know that this measure can very easily be passed by the legislature on account of the large majority the Government have in both the Houses. It will no doubt be a great thing. But it will be a greater thing to have this measure passed with the greatest support of the greatest number. I am very glad that both the Leader of the House and Mr. Ramalingam Chettiyar, a representative of the party in power clearly stated that the Select Committee will take everything into consideration and try to improve the Bill. I am sure the Hon. the Premier will welcome all constructive criticisms and give due consideration and effect so that the Bill when it emerges from the Select Committee, though it may not get the unanimous support of the House, will be made acceptable to the largest number of Members of the House. I give my support to the Bill at this stage and I do hope and trust that the Select Committee will go into the question very carefully and redress the just grievances of the parties concerned."

* THE HON. MR. C. RAJAGOPALACHARIAR :—" Sir, after hearing the speeches made last, it appears to me that we would be passing the Bill almost unanimously. It looks as if the passage of the Bill will not be controlled by the majority of one party over another. There is nothing like it. The Legislature seems to act on national co-operation. Criticisms have been offered. Certainly, public business cannot be done wisely or at all, unless criticisms such as these are offered and even more severe criticisms are offered, tolerated and understood. I make haste to assure the House and the Leader of the Opposition that every effort will be made as far as it lies in our power to examine, consider and accept suggestious in order to remove injustice, difficulties and anomalies. whatever mischief is apprehended. A boatman offers to take over a family across the water; he asks the mother to lay down her luggage, her baggage, her pots. But if the boatman asks the mother to leave her children behind, she would not care to travel under those conditions. So, if the same degree of respect is shown to the essentials of the Bill, to the scheme of

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the measure, I do not think that any Select Committee that is appointed to examine the Bill and every aspect of it, will refuse to consider such proposals. But it would not be right for me to make this generous promise, if it serves to misrepresent any one. I must therefore say that as much care must be taken by those people who offer difficulties and anomalies for solution, to see that the difficulties are offered for solution and not for getting rid of the relief afforded by the Bill, just like asking the mother to leave her baby behind, because the mother wants to get across the water. There is nothing in getting across for that mother, if the baby is left behind. I say this, because I do not wish to be understood to have promised lavishly and receded afterwards. It is better we understand one another correctly and trust one another after making ourselves well understood. I do not think that what I have said now frankly would qualify to the least extent what I said before. I think this is a necessary caution so that we may not misunderstand. I do say again that if hard cases can be solved, they are bound to be solved. I think that nobody is anxious to get this measure through, unless it is a good measure, unless he is convinced and continues to believe that it is good. Unless he continues to believe that this is a good measure even after it is examined by the Select Committee, nobody is interested in getting this measure through.

" It is wrong to refer to election promises, in any sense than this; we have promised the people that we shall try our best to solve this problem of indebtedness. We have not promised that we will get through this Bill or that Bill. It is not correct to think that we are bound to pass this Bill through, whether it is good, bad or indifferent. It is a general promise that we have made, that we will attempt to do our utmost to deal with this problem of indebtedness. Therefore we are trying to fulfil that promise. One hon. Member said, ' you said something foolish on the election platform; you are therefore hurrying this Bill.' That was the meaning of the way in which that matter was referred to. I submit with all respect and frankly that we attempt to deal with this matter in all sincerity of purpose. In spite of the strongest opposition to the Bill by Sir K. V. Reddi Nayudu, the result of the debate is such that I feel that no elaborate answer is wanted from me at all. But it is not, I think, proper respect that I should leave his contribution to the debate unreferred to.

" He was followed by one or two others also in the statement or in the criticism that it is too easy for the Government to do all that; ' you are giving nothing really; you are making A suffer in order that B may benefit '. It was said by Sir K. V. Reddi Nayudu that Government gives nothing and it is an injustice to ask the creditor to write off what is his due from the debtor, or the landlord to write off what is his due as rent from his tenant. We all know the well-known *simile* wherein the coconut in the wayside shop is robbed for being offered to the

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temple of Ganesha on the wayside. All these proverbs are well-known; they are all right when offered as picturesque criticisms of what individual persons do but not with regard to any act of a Government. At any rate this Government has no coffers of its own; we are not subscribing among ourselves and contributing to the treasury. All that we get can only be taken from what we have robbed—you may use the word 'robbed' and I do not object to it. So, what we get is what we take from the unwilling people and from the poor people, probably more than from the rich people. And, all that we give is just like the wayside shop coconut offered to another wayside temple. That is all. We are here merely as trustees for the purpose of taking and for the purpose of giving. Therefore, this particular transaction is not different from the normal duty of a Government. I do not think, however interesting this criticism has been throughout, either in the press or on the floor of this House, and though we might perhaps enjoy it for the moment, there is no truth or substance of truth in that criticism. It only describes how ultimately useless Governments are. It only tells the people that real and substantial benefits can be derived only from the individual and not from the Government. What we are doing now is, laying down certain terms under which we take away from the people and give away to such extent as is possible and that is the process of law-making, that is the process of budget-making, and that is the process of administration. If we on this Government or the Congress Ministry, or whatever you may call it, did anything without consulting other people or asking other people, of course this criticism is perfectly justified and can be levelled against us. But, since we are asking the country to agree to it and we are asking the representatives of the country to agree to it, it is neither robbery nor a mere show. Therefore I do not think that Sir K. V. Reddi was right with all his experience of Government in joining with the other people, who might perhaps be excused—I am not referring to other hon. Members who look upon this transaction in this manner and offering these remarks on the floor of this House. I thought he understood the processes of Government completely and would not offer all too easy, all too cheap comment on the present Bill. This criticism is a little bit too cheap and that is why I dwelt so long upon it.

"It was said generally, although I have told the House now and I think I have also told the other House, that the Select Committee is bound to receive, consider and examine all possibilities of removing the anomalies. I want once again to emphasize that you cannot escape these things. Take the Law of Limitation for instance. Supposing, we introduce for the first time the Indian Limitation Act—though we know that it would not be passed—and say, if a man had borrowed in 1885, instead of on the morning of 1886, i.e., one day later, that his debt will be time-barred. People would say, 'what is the meaning of this bad law-making?' Law-making must certainly begin at a certain point; and all those on the borderland, wherever we may begin, would feel the anomalies and injustice like this. All that

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we can possibly do is—though some imaginary cases can be conceived of and put forward—to see that we have done our best. I know questions would be brought forward, like that of an only widow or a lady or an old man who, though hardworking and energetic, has not collected his or her money, that his or her arrears of rent had remained uncollected for a long period; and they are adding to the picture by saying, she is the only lady, she has nobody to support her and has no money to live upon and what will she do if she had not collected the rent on which alone she has to depend. It is easy to raise such imaginary cases and we can also add any colour to it as well as we can, but in a world of realities, there are other tests and checks, and sometimes the hard cases become fewer and fewer and the other things become true and correct. If real cases are taken up the position becomes different, but when you get on your feet and try to manufacture cases, you will find that hard cases become easier. I submit, in reference to those cases in actual life, we shall find really much fewer hard cases than possibly hon. Members might imagine. But, I wish to admit at once that we may fail in doing justice to all hard cases. There is no doubt about it. But in relation to the other matters, it is only a question of the choice of evils. The question is, are we going to grant relief to all these agriculturists or are we going to leave them in that condition? It is not merely human sympathy, but it is the enlightened self-interest of all the nation that if all these people are left in the same plight, the whole nation will suffer including those hard cases that you refer to. Therefore, it is, as I said, a question of the choice of evils. I think legislators as well as soldiers should have a little bit of courage in order to go forward to achieve the object that they have resolved upon.

" Sir, it was said that one of the main attacks on this Bill was that this is introducing communism, or revolution; let us not put the thin end of revolution in a thing like this because it is a dangerous thing. It was also said, you are now on the other side to-day, and you want to do the same thing you fought against while on this side; we shall all have to combine to fight against revolution; and you are making it difficult to fight it later. That was the substance of Sir K. V. Reddi's attack. That, I submit, is wrong. What was said later on by another hon. Member—I think it was Mr. Saldanha—was more correct. I think Mr. Saldanha said, you are heading in for a revolution and if you do not agree to it, let us join together and let us fight the revolution that you are referring to. Why, instead of raising objections of this kind, can you try to make things better if you cannot? So, Sir, some Bill or other of this kind is absolutely necessary. I think there was more truth in what the hon. Member from South Kanara said than I think what Sir K. V. Reddi said in this connexion. I do not think that we should go into details, as the Hon. the Leader of the House said. But, I think it was well that no objections of that kind were raised. The Bill was practically thrashed out as on second reading and the debate has been very instructive; and all the questions have

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been gone into so fully that I do not think I should deal with them in reply. Many hon. Members dealt with the points raised by other hon. Members and in that manner the debate has been as instructive as a debate would have been either in the Select Committee or just after it emerges out of it. I am extremely grateful for the manner in which this measure has been treated in this House.

"One point, or rather two points were raised by Sir K. V. Reddi as to the legal difficulties in the matter and though he did not raise the question as a point of order, yet I do not think it will be well if I do not deal with them. Whether any particular measure when applied in a particular manner and to a particular case might raise legal difficulties on account of some other law, surely it is not a matter for this House or for the other House to deal with. It is really a matter for consideration when actual difficulties arise. The case was argued almost at full length. The question of Negotiable Instruments was referred to. We are not here legislating anything under the Negotiable Instruments Act; no provincial legislature can deal with Negotiable Instruments; but we have a right to deal with the agriculturists and with the debtors; and we have a right to say, have a decree if you like but it won't be executed. Though we have no right to make laws with regard to certain kinds of matters, yet we have a right to make laws with regard to the procedure to be followed in certain matters. Negotiable Instruments, is an all India subject. We have a right to do what is necessary for agriculturists and the debtors and creditors in our country. I think it would be better if we hear less of objections of that kind for the moment.

"Reference was also made to constitutional difficulties and what are the things that should be reserved for the consent of the Governors and Governors-General; and doubts were raised whether the Governor and Governor-General would agree. Governors and Governors-General will of course take care of themselves and we need not go into legal difficulties here. We have come here knowing very well that the Governors and Governors-General have powers, Secretaries of State have powers and the Parliament has powers and we therefore need not go into such things and get ourselves into a nervous condition of the expectation of those difficulties. I think I am entitled to request the House not to trouble itself with respect to those constitutional or legal difficulties to come in, but to consider what we should do in the light of things given to us. No comparison should be drawn between the working of the voluntary scheme and the working of the compulsory scheme; and what was not possible some years ago might be possible now. I challenge the House to say that any scheme of mere voluntary conciliation here and there will be of any use. I do not say that voluntary conciliation by itself is ineffective. But, after we have done all this, and the country has reached a certain stage, no voluntary conciliation will hereafter be of any use. After all this talk, it will be of no use, even if it could possibly have been introduced before. So, it is futile

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to speak of the voluntary scheme. But then there is a strange contradiction in phraseology. They say, let us have voluntary conciliation and give more powers to the tribunals that may be set up. It simply means, let the voluntary scheme end and let us have some compulsory scaling down. It is contradiction in terms. Conciliation with sanctions is but another form of compulsion. That is what it really comes to. What is really contained in the Bill has been explained more clearly by Mr. Ramalingam Chettiyar and he made the position clear when he said that the conciliation boards were erected in the teeth of his extra demand by way of provision which he wanted to make, namely that unless such and such powers were given, there was no use of these boards. Well, these conciliation boards have done something, but then these boards have to get together all the creditors and the debtors. It was something like an insolvency process and it was not merely the case of telling the creditor how much he should take or telling the debtor how much he should give or it is a case of getting all the creditors and all the debtors to come together and they should be made to agree. If A agrees, B does not agree and if B agrees, C does not agree and if A, B and C agree, D comes and feels that it is time that he must put the screw on and does not agree. There comes the difficulty. In no other place 'elsewhere this scheme has been a success. I can only say that the psychology of the people of each province is different, and the psychology of our people is such that somehow or other, they have not succeeded in that. They all want some degree of uniformity to be enforced on all people and this Bill just gives that thing. This Bill says, you shall do this thing; then the conciliation boards can come in and look into matters; and the land mortgage banks can come in and give the necessary amount to clear the debts and so on. I submit we shall be putting more life into the conciliation boards if this Bill is passed. It will be seen that as soon as this Bill is passed, the erstwhile creditors who were so far unwilling to come in will rush to these conciliation boards and all the debtors also will come in with a feeling that it is simply waste of time and energy to go long distances as was the case in the past and that something tangible will come as a result of this Bill. So, all the measures which were till now considered ineffective will become a reality and will produce better results.

"It was said, 'let us meet next summer in order to reconsider.' It was very properly answered. It would be a too easy gibe on our part if I said, 'We are a new race of people who can run fast' and all that. I do not say all that. Mr. Ramalingam Chettiyar was right. This business was started long ago. We have done so much work that it is easy for us to run fast. All the enquiries that you set up, all the toil that you put in to maintain the principles of conservation, all those have served as foundation for us to stand upon and run as fast as we can. I submit now is the time to act quickly. I submit it is more dangerous to act slowly. Piles of telegrams and memorials and applications have come to me saying that we are losing dangerously

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much time. Instead of relief being given creditors are bringing properties to sale. Some things might have been exaggerated. But there is much truth in it. We should not allow time. You may be slow to go to the doctor. You may be slow to go to the operation room. To be chloroformed is good but then the doctor should not wait. He should not say, ' we shall think a little, talk a little.' It is not hereafter the time to waste. The anæsthetic will be a deadly thing if we do not use the time to cut up and put the bandage. Complaints will prove all too strong for the patient and the little credit will go. So that if we show to the creditors here is land, here is future interest and here is the land which had 500 rupees now having only 200 rupees; there is a surplus. Credit will not be lost. The scare will disappear and the country will have the previous industry standing on its own legs. I think we owe a debt of gratitude to Dr. Thomas for his experience and learning. He said credit does not matter even. All these mere enquiries are one list of complaints about improvidence and unproductive debts and all that. Let credit go down a little. That is what Dr. Thomas said, if I remember right. He who has lived all through in miseries knows also to get on under a little bit of contracted credit if his land is going to become thereafter a little easier. I do not think our agriculturist is going to depend upon anybody. Other people have to go on making enquiries. But the cultivator does not go to the bazaar and buy his seed. It is all a matter of settlement with his neighbour unless it may be that the agricultural demonstrator persuaded him with a great deal of difficulty to do that in respect of any new seed that the department might have introduced. Ordinarily he has his own seed or borrows a measure from his neighbour and returns the measure afterwards. No agricultural labourer in India is going to refuse seed to his neighbour because Rajagopalachariar is introducing this Bill. Their credit has been protected. It is not a process of psychology at all in the country side. With the big money-lenders the credit will contract. When they go to the Imperial Bank for financial assistance the credit will contract. What we want and what we are particular about is the life of the agriculturist. It is not going to be hard and if inspite of all that everybody has assured us by experience of our political economy and village economy, if inspite of all this something happens, there is no venture that can be undertaken unless we have a little bit of courage and take it. If we are extremely conservative we must not allow him to die and allow contract to work itself out. My hesitation has been set at rest by no less a distinguished person than Dr. Thomas. The thing has to be done, sacredness of contract and sacerdotal things apart. You are entitled to have a contract but you are not entitled to use false weights and measures. So there is no sacredness about it even using a legalistic test. Mr. Saldanha said that the Deccan Agriculturists Relief Act was passed sixty years ago and even then they had interfered with interest. Therefore we need not be very particular about it. Sir, I therefore feel gratified there has been much more support and co-operation and encouragement from this House than I imagined

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and I tender my congratulations to the Leader of the House on this motion. I have nothing more to say."

The motion was put and carried.

* THE HON. DR. T. S. S. RAJAN:—" Sir, I move that this House do nominate the following of its members to the said Joint Select Committee:—

Mr. B. Bheema Rao.

Mr. K. V. Srinivasa Ayyangar.

Mr. K. Madhava Menon.

Mr. L. Subbarama Reddi.

Khan Bahadur Sir Mahomed Usman Sahib Bahadur.

Mr. T. A. Ramalingam Chettiyar.

Dr. P. J. Thomas."

The motion was put and carried.

* MR. PRESIDENT:—" The House will now adjourn and meet again at 3 p.m. on Monday, the 31st January 1938."

VI.—PAPERS LAID ON THE TABLE OF THE HOUSE.

* 1. *G.O. No.* 1867, *Development, dated* 16*th August* 1937, *notifying adaptation of certain amendments to rules under section* 19 *of the Madras State-Aid to Industries Act,* 1922.

* 2. *Communal Return of Officers under the Government of Madras who held permanent appointments on the* 1*st April of each of the years* 1924 *to* 1937.

* 3. *Communal Return of Officers under the Government of Madras who held temporary, acting or probationary appointments on the* 1*st April of each of the years* 1924 *to* 1937.

* 4. *Note* [a] *with reference to the answer given to the supplementary question to starred question No.* 25, *at the meeting of the Legislative Council held on* 31*st August* 1937.

* 5. *Notification, dated* 27*th September* 1937, *regarding amalgamation of Trichinopoly South and Trichinopoly North District Boards.*

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[a] Vide Appendix V on page 97 infra.

APPENDIX I.

[Vide answer to starred question No. 4 asked by Mr. J. A. Saldanha at the meeting of the Legislative Council held on the 21st December 1937, page 21 supra.]

STATEMENT No. I.

List of Minor Ports governed by the Indian Ports Act.

1 Baruva.
2 Calingapatam.
3 Bimlipatam.
4 Cocanada.
5 Masulipatam.
6 Vadarevu.
7 Cuddalore.
8 Porto Novo.
9 Tirumalavasal.
10 Tranquebar.
11 Negapatam.
12 Topputurai.
13 Point Calimere.
14 Muttupet.
15 Adirampatnam.
16 Kattumavadi.
17 Krishnajipatnam.
18 Ammapatnam
19 Vattanam.
20 Tondi.
21 Putupatnam.
22 Theethandathanam.
23 Devipatnam.
24 Alagayankolam.
25 Pamban.
26 Rameswaram.
27 Vedalai.
28 Dhanushkodi.
29 Muttupettai.
30 Kilakarai.
31 Tuticorin (controlled by a Port Trust).
32 Kulasekarapatnam.
33 Chavakad.
34 Ponnani.
35 Tanur.
36 Calicut.
37 Kappatta.
38 Quilandy.
39 Kottakkai.
40 Badagara.
41 Muttankal.
42 Chompayi.
43 Kallayi.
44 Tellicherry.
45 Cannanore.
46 Pudiyangadi.
47 Azhikkal.
48 Kasaragod.
49 Mangalore.
50 Mulki.
51 Malpe.
52 Hangarkotta.
53 Coondapoor.
54 Baindur.

Statement No. II.

List of ports having Landing and Shipping Fees Committees or Port Conservancy Boards.

Name of port.	Landing and Shipping Fees Committee.			Port Conservancy Board.			Landing and Shipping Fund—Revised Estimate for 1936–37.	
	Ex officio.	Official.	Non-official.	Ex officio.	Official.	Non-official.	Receipts.	Expenditure.
							RS.	RS.
Cocanada ..	..	..	..	4	1	6 (elected)	2,86,072	1,32,471
Masulipatam	2	1	6	..	..	..	46,536	36,308
Cuddalore ..	2	1	5	..	..	..	76,636	1,30,620
Negapatam	..	..	..	3	1	8	39,174	69,441
Adirampatnam	1	1	4	..	..	..	3,377	984
Tellicherry ..	2	1	5	..	..	..	25,422	26,866
Calicut ..	..	..	..	2	1	6 (4 of these elected)	87,284	96,519
Mangalore ..	..	..	..	2	1	9	2,80,940	2,17,620
Malpe ..	1	1	6	..	..	..	3,210	1,960
Porto Novo	..	..	..	..	..	..	3,118	1,667
Ponnani ..	..	..	..	..	..	..	5,084	1,447
Hangarkotta	1	1	4	..	..	..	764	804

		Receipts.	Expenditure.
		RS.	RS.
Minor Ports Fund *	Revised Estimate for 1936–37	9,56,000	6,33,899

* Separate accounts are not kept for each port.

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APPENDIX II.

[Vide answer to starred question No. 7 asked by Mr. J. A. Saldanha at the meeting of the Legislative Council held on the 21st December 1937, page 23 supra.]

List of bulletins.

1 Milling of Rice in the Madras Presidency.

2 Wattle Bark—its use and cultivation in India.

3 The Manufacture of Sodium Carbonate from the Alkaline Soils (= "Psoudu") of the Madras Presidency—F. Marsden.

4 Soap Making by Cold Process—A. K. Menon.

5 The Development of Cumbli and Blanket Industry in the Ceded Districts of the Madras Presidency.

6 Woollen Pile Carpet Industry by D. M. Amalsad.

7 Notes on Starting Industrial Schools.

8 The Kora Mat Weaving Industry in the Madras Presidency—D. M. Amalsad.

9 The Development of Cotton Printing and Painting Industry in the Madras Presidency.

10 Development of Madras Handkerchiefs and Lungi or Kaily Industry in the Madras Presidency—D. M. Amalsad.

11 The Retannage of Dhory Hides for Sole Leather.

12 The Decortication of Groundnuts in the Madras Presidency—L. B. Green.

13 Note on Divi Divi—K. Seshachallam Chowdhury.

14 Bark of Hopea Parviflora as a Tanning Material.

15 South Indian Myrobalams—K. Seshachallam Chowdhury.

16 A Note on the Marble Industry in the Guntur district—W. Fyfe.

17 Retting of Coconut Husks for the Production of Coir—K. Seshachallam Chowdhury.

18 A Note on Subsidiary Industries for Rice Mills.

19 A Note on the Manufacture of School Slates in South India—W. Fyfe.

20 A Note on the Working of the Dogma Oil Mill—A. K. Menon.

21 Handbook of the Tanning Trade of South India.

Survey of Cottage Industries.

22 Preliminary Report on the Survey of Cottage Industries in the Cuddapah district.

23 Preliminary Report on the Survey of Cottage Industries in the Bellary district.

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Survey of Cottage Industries—cont.

24 Preliminary Report on the Survey of Cottage Industries in the Kurnool district.

25 Preliminary Report on the Survey of Cottage Industries in the Anantapur district.

26 Preliminary Report on the Survey of Cottage Industries in the Madura, Ramnad, Trichinopoly and Tinnevelly districts.

27 Preliminary Report on the Survey of Cottage Industries in the Ganjam district.

28 Preliminary Report on the Survey of Cottage Industries in the Vizagapatam district.

29 Preliminary Report on the Survey of Cottage Industries in the East Godavari district.

30 Preliminary Report on the Survey of Cottage Industries in the Kistna and West Godavari districts.

31 Preliminary Report on the Survey of Cottage Industries in the Guntur district.

32 Preliminary Report on the Survey of Cottage Industries in the Nellore district.

33 Preliminary Report on the Survey of Cottage Industries in the Chittoor district.

34 Preliminary Report on the Survey of Cottage Industries in the Chingleput district.

35 Preliminary Report on the Survey of Cottage Industries in the North Arcot district.

36 Preliminary Report on the Survey of Cottage Industries in the Tanjore and South Arcot districts.

37 Preliminary Report on the Survey of Cottage Industries in the Salem district.

38 Preliminary Report on the Survey of Cottage Industries in the Coimbatore district.

39 Preliminary Report on the Survey of Cottage Industries in the Malabar, South Kanara and Nilgiri districts.

40 Final Report on the Survey of Cottage Industries in the Madras Presidency.

41 Report on the Ceramic Survey of the Madras Presidency.

21st December 1937]

Appendix III.

[Vide answer to starred question No. 16 asked by Mr. R. Srinivasa Ayyangar at the meeting of the Legislative Council held on the 21st December 1937, page 28 supra.]

I. General Constituencies.

Name of constituency.	Area in square miles.	Population.	Revenue Assessment (in thousands of rupees) (1936-37).	Total number of voters on the electoral roll.
Madras City	31	647,230	1,62	1,229
Vizagapatam	7,689	3,407,808	34,82	1,640
East Godavari	6,052	1,920,582	61,80	2,633
West Godavari ..	2,361	1,223,056	51,57	1,098
Kistna	3,539	1,254,208	48,27	1,221
Guntur	5,757	2,035,660	67,54	427
Nellore	7,948	1,486,222	35,82	541
Cuddapah	5,916	949,397	19,38	136
Anantapur	6,741	1,050,411	18,68	150
Bellary	5,714	969,774	24,35	465
Kurnool	7,580	1,024,961	24,05	224
Chingleput	3,227	1,655,115	28,02	529
Chittoor	6,014	1,447,103	16,88	452
North Arcot	4,649	2,266,989	38,24	282
South Arcot	4,207	2,454,507	59,38	734
Tanjore	3,748	2,385,920	96,07	2,196
Trichinopoly	4,418	1,913,245	38,55	575
Madura	4,824	2,195,747	37,58	712
Ramnad	4,770	1,838,955	19,01	1,222
Tinnevelly	4,320	2,046,907	36,36	536
Salem	7,241	2,433,972	34,13	337
Coimbatore	7,002	2,445,064	38,15 }	1,021
cum the Nilgiris ..	982	169,340	1,92 }	
Malabar	5,612	3,533,944	50,67	3,090
South Kanara	4,022	1,372,241	32,48	966

II. Muhammadan Constituencies.

Name of constituency.	Area.	Total number of voters on the electoral roll.
Madras North	The districts of Vizagapatam, East Godavari, West Godavari, Kistna, Guntur, Nellore, Cuddapah, Anantapur, Bellary, Kurnool and Chittoor.	110
Madras North Central ..	The districts of Madras, Chingleput, North Arcot and South Arcot.	253
Madras South Central ..	The districts of Tanjore and Trichinopoly.	227
Madras South	The districts of Madura, Ramnad, Tinnevelly, Salem, Coimbatore and the Nilgiris.	197
Madras West Coast	The districts of Malabar and South Kanara.	277

III. European Constituency.

European	The whole province	1,180

IV. Indian Christian Constituency.

Indian Christian	The whole province	319

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APPENDIX IV.

[Vide answer to starred question No. 21 asked by Rao Bahadur N. R. Samiappa Mudaliyar at the meeting of the Legislative Council held on the 21st December 1937, page 31 supra.]

	District Educational Council.	Name of the member.	To which seat nominated.	Date of notification of the nomination in the Gazette.
1	Tanjore ..	Miss V. Lakshimi	Sub-Assistant Inspectress.	3rd August 1937.
2	*Cuddapah* ..	*Srimathi K. Ramasubbama Garu.*	*Women .. ..*	*Do.*
3	Kistna ..	M.R.Ry. Ghantasala Seetharama Sarma Garu.	Others	10th August 1937.
4	Guntur ..	Janab Sheik Galib Sahib Bahadur.	Muhammadan ..	Do.
5	North Arcot ..	Miss M. Varkey	Sub-Assistant Inspectress.	Do.
6	Salem ..	Janab Muhammad Syed Khan Sahib Bahadur.	Muhammadan ..	Do.
7	Malabar ..	Miss M. Varugis	Inspectress of Girls' Schools.	17th August 1937.
8	North Arcot..	Mr. Kalami	Muhammadan.	31st August 1937.
9	Trichinopoly..	M.R.Ry. K. G. Sivaswami Ayyar Avargal.	Others	7th September 1937.
10	Guntur ..	Mrs. P. Indira Bai	Sub-Assistant Inspectress.	28th September 1937.
11	Salem ..	Miss D. Frank	Do.	Do.
12	South Arcot ..	Mrs. S. V. Saraswathi Ammal.	Do.	5th October 1937.
13	Tanjore ..	M.R.Ry. K. Rajamanickam Chettiyar Avargal.	Others	Do.
14	Do. ..	Mrs. Arthur Thamburaj ..	Women	Do.
15	Trichinopoly..	Mrs. T. V. Sastri	Do.	19th October 1937.
16	Madras ..	Miss B. Amirthammal ..	Inspectress of Girls' Schools.	2nd November 1937.
17	Kistna ..	Miss G. Sitalakshmi ..	Sub-Assistant Inspectress.	9th November 1937.
18	Chingleput ..	Miss F. E. Tremenhere ..	Do.	23rd November 1937.
19	The Nilgiris ..	M.R.Ry. Vellore Chinnaswami Pillai Avargal.	Scheduled Castes ..	Do.

APPENDIX V.

(Vide item VI-4 at page 90 supra.)

DEVELOPMENT DEPARTMENT.

Communication to the Council.

With reference to the answer given to the supplementary question question No. 25, at the meeting of the Legislative Council held on st August 1937, a note setting forth the reasons for the failure of :r-retting operations in Ambajipet is laid on the table of the House.

The coir-retting operations carried on at Ambajipet in 1927 proved failure for the following reasons:—

(*a*) For effective coir-retting of coconut husks, suitable water conditions, i.e., a gentle ebb and flow of water and a warm temperature are necessary. The only site that could be secured for the purpose in Ambajipet was on the bank of the Kausika drain, 20 miles away from the sea and had not these advantages.

(*b*) Considerable difficulty was experienced in obtaining coconuts of required maturity and so of husks for purposes of retting and those secured could only be obtained at a cost which left little or no margin of profit in converting the fibre into yarn.

(*c*) The yarn produced was of a dark colour owing to the presence of iron and silt in water; the fibre was not devoid of pithy matter and consequently the yarn was lacking in softness and feel. As a result of these it was difficult to market the yarn at a fair price.

C. J. PAUL—8-10-37.

THE MADRAS LEGISLATIVE COUNCIL.

Monday, the 31st January 1938.

The House met in the Council Chamber, Fort St. George, at three of clock, Mr. President (THE HON. DR. U. RAMA RAO) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Scheme, if any, for additional Government or aided hospitals and dispensaries.

* 23 *Q.*—MR. J. A. SALDANHA: With reference to the answer to starred question No. 9 given on 31st August 1937, will the Hon. the nister for Public Health be pleased to state—

(*a*) whether there is any scheme planned out for additional vernment or aided hospitals and dispensaries, apart from those at dras and headquarters of districts and taluks; and

(*b*) if so, what and in how many years is the plan decided upon the Government to be carried out and at what cost?

THE HON. DR. T. S. RAJAN:—" (*a*) & (*b*) In 1924 the Government sanctioned a scheme for the provision of medical relief in rural areas. In pursuance of this scheme many rural dispensaries subsidized by the Government or local boards or both have since been opened. In 1932 owing to financial stringency the Government were unable to provide funds for payment of subsidies for new rural dispensaries. In 1937–38 the system of payment of Government subsidies for new rural dispensaries has been revived. In March 1937 a list of villages where in the opinion of the Surgeon-General medical aid was most urgently required and which were considered to be suitable for the opening of new rural dispensaries was communicated to the presidents of district boards for consideration in submitting proposals in future for the opening of new rural dispensaries. The question of the opening of new rural dispensaries subsidized by the Government depends not only on the state of provincial finances but also on the ability of the local boards to find their share of the cost, viz., Rs. 360 for medicine and Rs. 140 for contingencies for each rural dispensary. The opening of rural dispensaries in a few of the villages suggested by the Surgeon-General has since been sanctioned and the question of payment of subsidy from provincial funds for new rural dispensaries in a few more villages is under consideration in connexion with the budget for 1938–39. It is not possible to say definitely when the opening of new rural dispensaries in all the villages

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suggested by the Surgeon-General will be completed. If rural dispensaries are opened in all the villages suggested by the Surgeon-General the cost to Government will be Rs. 60,800 per annum and the local boards will have to find annually Rs. 38,000.

" There are no other schemes under the consideration of the Government."

MR. J. A. SALDANHA:—" May I know how long it will take for Government to carry out their plan of having one rural dispensary for every 5,000 people or for a radius of five miles?"

THE HON. DR. T. S. S. RAJAN:—" The Government have, in their recent Government Order said that there shall be one rural dispensary within a radius of five miles each and within that area there shall not be another rural dispensary. On that scale rural dispensaries are being sanctioned and it is impossible to answer that question straightaway; but we are making budget provision for it year after year. This year also provision is being made for fresh rural dispensaries."

Proposal, if any, under contemplation for forming a taluk for Kamalapuram.

* 24. *Q.*—MR. V. VASANTA RAO: Will the Hon. the Minister for Revenue be pleased to state whether it is under contemplation to form a taluk for Kamalapuram which is now only a Deputy Tahsildar division in the Cuddapah district?

THE HON. MR. T. PRAKASAM:—" A proposal to restore the old Kamalapuram taluk was recently made by the Collector of Cuddapah and the Board of Revenue. The Board of Revenue has been asked to re-examine the question and submit proposals later on, if necessary."

Inclusion of Maratis under depressed classes.

* 25 *Q.*—MR. D. MANJAYYA HEGDE: Will the Hon. the Minister for Industries and Labour be pleased to state—

(*a*) whether it is a fact that the Maratis were enumerated as depressed classes in the census of 1931;

(*b*) whether the children of the community were attending the labour schools and were getting free education, because of their inclusion among depressed classes; and

(*c*) whether they are still treated as a depressed class and included within the ameliorative measures and activities of the Labour department; if not, why and what objection do the Government find to treat them as such?

THE HON. MR. V. V. GIRI:—" (*a*) Maratis were not enumerated as ' Depressed classes ' in the census of 1931.

" (b) & (c) Yes, because they had been classified as hill tribes for the purposes of the ameliorative measures of the Labour department. In the census of 1931 they have been classified as primitive tribes. In 1935 the Collector of South Kanara reported that they were not untouchables, that they were cultivators by profession and that they were socially and economically fairly well off. Hence their exclusion from the list of depressed classes. The Government are re-examining the question of including them in the list."

Coffee and tea shops in Salem before and after 31st August 1937 and the estimated saving by the people giving up drinking habit consequent on the introduction of prohibition.

* 26 *Q*.—MR. J. A. SALDANHA: Will the Hon. the Minister for Agriculture and Rural Development be pleased to place before the House a statement showing the number of coffee and tea shops combined or separately maintained before and since 31st August 1937 in the Salem district outside railway stations and the approximate rates of price at which a cup or *lota* of coffee or tea is served to the public and to state—

(*a*) what other attractions are provided to the people who had once been in the habit of drinking toddy or arrack;

(*b*) what gain is estimated to be made by people giving up drinking toddy and arrack and taking something else in their place in the Salem district; and

(*c*) what steps have the Government taken to prevent adulteration of coffee and tea with noxious matters in the Salem district?

THE HON. MR. V. I. MUNISWAMI PILLAI:—" The Government have no information.

" (*a*) Efforts are being made to organize bhajana parties, community centres, sports, dramas and the like as counter attractions.

" (*b*) No attempts have been made to make such an estimate.

" (*c*) The Madras Prevention of Adulteration Act, 1918, is already in force in the municipal area of Salem. The question of extension of the Act to other areas in the district will be considered, if necessary. Standard of purity of tea has already been prescribed. The question of fixing it in respect of coffee is under consideration."

MR. J. A. SALDANHA:—" May I enquire, Sir, whether the Government have no information even in spite of the fact that the question was put some three ... ether the information could not be obtain ... ve an idea as to how many coffee shops h ... what extent they have taken the place of ... ng liquor shops? "

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THE HON. MR. V. I. MUNISWAMI PILLAI:—"I think it will entail a lot of work, in fact out of all proportion to the purpose it could serve."

Duties of Assistant and Sub-Assistant Surgeons in Women and Children hospitals.

*27 Q.—MR. J. A. SALDANHA: Will the Hon. the Minister for Public Health be pleased—

(a) to place before the House the standing orders of the Madras Provincial Medical Service as to the respective functions and duties of the Assistant Surgeon and Sub-Assistant Surgeon in Women and Children hospitals;

(b) to state whether they were departed from under orders during the last one year in respect of the Assistant Surgeon and Sub-Assistaut Surgeon in the Women and Children hospitals at Calicut and Mangalore;

(c) if so, in what way and respects, for what reasons and under whose orders; and

(d) whether there have been complaints on that score and what orders have the Government passed?

THE HON. DR. T. S. S. RAJAN:—"(a) There are no such standing orders. The District Medical Officer or the Superintendent of the hospital concerned assigns duties to the officers working under him.

"(b) & (c) On one occasion the Woman Assistant Surgeon at Mangalore was asked by the District Medical Officer to cease treating a tubercular patient as the relationship between the Woman Assistant Surgeon and the patient was not cordial.

"(d) As a result of the complaint made by the District Medical Officer regarding the conduct of the Woman Assistant Surgeon at Mangalore she was transferred to another hospital by the Surgeon-General."

B.E. students passed out from Engineering College, Guindy, and their appointments in the Public Works Department.

*28 Q.—MR. J. A. SALDANHA: Will the Hon. the Minister for Public Works be pleased to place before the House a statement showing (i) the number of candidates that passed the B.E. examination from the Engineering College, Guindy, in the years 1934, 1935, 1936; (ii) the number of graduates admitted into the various grades of services in the Public Works Department on the recommendation of the Public Service Commission from the communities, Brahmans, Non-Brahmans, Scheduled Castes, Europeans and Anglo-Indians, Indian Christians and Muhammadans in the years 1935, 1936, and up to the end of June in 1937?

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THE HON. MR. YAKUB HASAN:—"(i) The number of candidates who passed the B.E. examination from the Engineering College in the years 1934, 1935 and 1936 was—

22 in 1934
41 in 1935
29 in 1936

"(ii) One of those who passed in 1934 (a Non-Brahman) was selected by the Madras Public Service Commission for appointment as temporary supervisor in October 1936; but his turn for appointment has not yet come.

"Out of 41 who passed in 1935, two candidates, one Muhammadan and one Non-Brahman, have been appointed as Assistant Engineers by direct recruitment. Another Non-Brahman was appointed as a temporary supervisor in the subordinate service. Two more Non-Brahmans were selected by the Madras Public Service Commission for appointment as temporary supervisors in October 1936; but their turns for appointment have not yet arrived.

"Those who completed their college course in March 1936 became eligible for appointment only in 1937 after completing their practical training. Three of these, one Christian, one Non-Brahman and one Muhammadan, were appointed as temporary supervisors in the subordinate service."

MR. J. A. SALDANHA:—"May I enquire whether any Christian was ever appointed at all?"

THE HON. MR. YAKUB HASAN:—"I have already given that information."

Statement of the gazetted officers of the Forest department which Government propose to reduce.

* 29 *Q.*—MR. J. A. SALDANHA: Will the Hon. the Minister for Agriculture and Rural Development be pleased to place before the House a statement of the gazetted officers of the Forest department which Government have decided or contemplate reducing with effect from 1st April 1937?

THE HON. MR. V. I. MUNISWAMI PILLAI:—"There are certain proposals under consideration for effecting some reduction in the number of these officers. It is not possible at present to say what orders would be passed on them and, if reduction is agreed to, from what date the order would be given effect to."

Travelling allowances drawn by District and Assistant Forest Officers in South Kanara.

* 30 *Q.*—MR. J. A. SALDANHA: Will the Hon. the Minister for Agriculture and Rural Development be pleased—

(*a*) to place before the House a statement of the travelling allowances drawn by each of the District Forest Officers and Assistant District Forest Officers in the district of South Kanara in the year 1936–37; and

(b) to state whether Government have decided to reduce th travelling allowances of such officers in the whole of the presidency and if so, to what extent?

THE HON. MR. V. I. MUNISWAMI PILLAI:—

"(a) *Mangalore North*—

	RS.	A.	P.
District Forest Officer	1,624	12	0
Mangalore South—			
District Forest Officer	1,709	0	0
Assistant to District Forest Officer ...	403	14	0

"(b) There is no such proposal under the consideration of Government."

MR. J. A. SALDANHA:—"In view of the proposals for reduction of salaries, do not Government contemplate the reduction in the travelling allowances of these officers?"

THE HON. MR. V. I. MUNISWAMI PILLAI:—"Under the conditions under which these officers move about and live, there is no justification for reducing their travelling allowances."

Amalgamation of bifurcated district boards.

* 31 Q.—RAO BAHADUR N. R. SAMIAPPA MUDALIYAR: With reference to his answer to starred question No. 55 given on 9th September 1937, will the Hon. the Minister for Local Administration be pleased to state whether the Government have since come to any conclusion as to the amalgamation of the bifurcated district boards; and if so, what?

THE HON. MR. B. GOPALA REDDI:—"The matter is under the consideration of the Government."

Cadets from Madras who have joined H.M.S. "Dufferin" for naval training.

* 32 Q.—MR. M. NARAYANA RAO: Will the Hon. the Minister for Public Works be pleased to state—

(a) what the prospects are of cadets trained in H.M.S. "Dufferin"; and

(b) how many students from Madras Presidency have joined and completed the training till now and how many have been sufficiently provided for?

THE HON. MR. YAKUB HASAN:—"(a) The prospectus issued by the Central Government gives the required information. A copy of it has been obtained and placed in the library of the House.

"(b) This Government have no information. Attention is however invited to the discussion on the subject in the Central Assembly on the 3rd and 10th September 1937. Even there figures by provinces are not given."

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UNSTARRED QUESTIONS

Ceramic expert who drafted the report of the Ceramic Survey and the deputation of a science graduate by the Government to Calcutta for training in pottery.

12 *Q.*—Mr. J. A. SALDANHA: With reference to the answers given on 9th September 1937 to my question No. 51, will the Hon. the Minister for Industries and Labour be pleased to state—

(*a*) how, why and when the services of the author of the report of the ceramic survey referred to were terminated;

(*b*) whether he had been trained in England and elsewhere as a Ceramic expert at the cost of the Madras Government and if so, at what cost;

(*c*) whether his services may again be utilized by the Madras Government for the development of the ceramic industry;

(*d*) whether the Government have made enquiries and found graduates who have passed in ceramics (with other subjects) in the Benares or other universities in India; and

(*e*) when was the Bachelor of Science referred to in the answer, deputed to Calcutta for training in pottery and when he is expected to return and in which institute and when will classes be opened in improved pottery?

A.—(*a*) The Ceramic Assistant joined duty on 9th July 1930 and was relieved of his duties on 31st March 1933 when the period of sanction to his appointment expired. The termination of his services was due mainly to the recommendation of the Retrenchment Committee.

(*b*) Yes; he was a Madras Government State Technical Scholar in United Kingdom in 1923–25 with a scholarship of the value of £240 per annum.

(*c*) There is no proposal before Government at present to utilize his services.

(*d*) The Government have not made such enquiries.

(*e*) He joined the pottery class in Calcutta on 4th May 1937; he returned to duty on 30th October 1937 after training. Preliminary arrangements for starting the pottery class in the School of Arts and Crafts had to be made. Regular courses have started from the middle of December.

Opening of ceramic experimental and demonstration stations for the improvement of the industry.

13 *Q.*—Mr. J. A. SALDANHA: Will the Hon. the Minister for Industries and Labour be pleased to state whether the Government have decided to open ceramic experimental and demonstration stations as proposed in the report of the ceramic survey in order to help all manufacturers at Mangalore and elsewhere to improve their industry (which report is referred to in the answer given to my question No. 51 on 9th September 1937)?

A.—The Government have come to no such decision.

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Salaries of the ministerial staff and the commissioner of the Udip Municipality.

14 *Q.*—MR. J. A. SALDANHA: Will the Hon. the Minister Local Administration be pleased to state—

(*a*) what the expenditure of the Udipi Municipality was under various headings in the years 1935–36, 1936–37 and in the half-ye ending 30th September 1937;

(*b*) whether it is a fact that the pay of the ministerial staff exce 10 per cent limit as per Budget for 1937–38;

(*c*) if so, when the time-scale to these subordinates is applied, w it exceed 10 per cent limit to a far greater extent;

(*d*) whether it is a fact that a commissioner was appointed to t municipality immediately after the constitution of the munici council;

(*e*) who the present commissioner is;

(*f*) what his pay and allowances are;

(*g*) to what percentage of the income of this municipality will pay and allowances of this commissioner work out;

(*h*) whether it is a fact that the Udipi Municipal Council pas a resolution requesting the Government to abolish the post of the co missioner in this municipality;

(*i*) what the reply of the Government is in the matter;

(*j*) whether the Government are aware of the fact that a resolut given notice of by a Councillor of the Municipality in August 1 requesting the Government to appoint a commissioner with a lo salary than that of the present commissioner was disallowed by chairman;

(*k*) if so, what the reasons are;

(*l*) whether the Government have received any communicatio correspondence and copies of connected papers regarding the matter;

(*m*) if so, what steps have been taken by the Government; and

(*n*) whether the Government have decided to appoint a comm sioner to the Udipi Municipality with a lower salary in the place of present highly paid commissioner?

A.—(*a*) Particulars of the expenditure for the half-year ending 3 September 1937 are not available. Particulars for years 1935–36 and 1936–37 are given below:—

	Expenditure in 1935–36.	Expendi in 1936
	RS.	RS.
Under General Account—Ordinary—		
I. Management	1,646	10,51
II. Communications	111	7,32
III. Education other than Elementary.	..	..
IV. Public Health	1,707	8,46
V. Remunerative enterprises	..	60
General Account—Capital	..	1,44
Elementary Education Account—Ordinary.	..	8,38
Do. Capital ..	..	14

(*b*) The answer is in the affirmative.

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(c) The question whether there will be an excess or not will depend on the income which may be derived in future years.

(d) The answer is in the affirmative.

(e) M.R.Ry. M. Narayana Shenoy.

(f) Pay Rs. 155 and conveyance allowance Rs. 15 per mensem.

(g) The pay and allowances including leave and provident fund contributions work up to about 6 per cent of the total income of the municipal council according to the budget for 1937–38.

(h) & (i) No correspondence on the subject is traceable.

(j) & (k) The Government have no information.

(l) The answer is in the negative.

(m) Does not arise.

(n) The Government propose to appoint a Commissioner on lower salary at the earliest opportunity.

'ollection of property tax in Udipi Municipality for two half-years simultaneously in March 1937.

15 Q.—MR. J. A. SALDANHA: Will the Hon. the Minister for al Administration be pleased to state—

(a) whether the Government are aware of the fact that in the ipi Municipality the demand notices for the property tax for two f-years were served at the same time in or about the month of March 7;

(b) whether it is a fact that on representation through some of the ncillors, the chairman and commissioner had assured them to give icient time for the payment of taxes on written applications from the -payers; and

(c) whether it is a fact that the executive authority did not grant icient time on the receipt of these applications from the rate-payers l coercive measures were adopted against them instead?

A.—(a) The Commissioner, Udipi Municipality, has reported that the service of the property-tax bills in respect of the two half-years of 1936–37 was begun towards the end of January 1937 as a large number of tax appeals had to be disposed of before the bills could be issued.

(b) & (c) The Government have no information.

tement showing the communities of the councillors and the members of the staff of the Udipi Municipality.

16 Q.—MR. J. A. SALDANHA: Will the Hon. the Minister for al Administration be pleased to place before the House a statement wing—

(1) the number of municipal councillors of the Udipi Municipality;

(2) the number from each caste, sub-caste and community;

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(3) the number of ministerial, collection and menial staff and the caste, sub-caste and community from which they are drawn; and

(4) the caste, sub-caste and community of the present commissioner and his chief ministerial officer?

A.—(1) The Government have fixed the total number of councillors at 16.

(2) The Government have no information.

(3) The strength of the staff under each of the heads of ministerial, collection and menial establishments is 5. The Government have no information as to the caste, sub-caste and community of all the members of the staff.

(4) The present commissioner and the chief ministerial officer belong to the Gowd Saraswath Brahman community.

[*Note.*—**An asterisk (*) at the commencement of a speech indicates revision by the Member.**]

II.—RESOLUTION *RE* FEDERATION.

5
3. * THE HON. DR. T. S. S. RAJAN:—" Mr. President, I beg leave of the House to move the resolution standing in my name. The resolution runs as follows:—

'*This Council recommends to the Madras Government that the opinion of this House be communicated to His Majesty's Government of Great Britain that it is politically and morally impossible for the people and Government of this province to tolerate the imposition of the scheme of Federation as laid down in the Government of India Act of 1935, and that the said scheme would, far from bringing about all-India unity, provoke forces of conflict in the provinces and the Indian States, and that this Council hopes that the Government of Great Britain will respect the wishes of the people of India and immediately devise means, even for transitional purposes, to set up a Central Government free from the objectionable features of the Federal scheme of the Government of India Act to be evolved in consultation with the responsible Provincial Governments and national leaders.*'

" In moving this resolution I am weighed down with a sense of great responsibility. Those of us that have been active in political life have been watching the evolution of the present constitution as embodied in the Government of India Act of 1935. It is not my purpose to go into the varied discussions which were embodied as the result of the three Round Table Conferences held, nor of the sub-committees and enquiries which were instituted which submitted voluminous reports on this constitution. That is all history with which we are all very familiar and that does not concern us very much now. The point now is this, that we have already got a portion of that constitution in operation

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in the provinces. It is only against the introduction of the subsequent portion which embodies the Federal scheme that this resolution is moved, so that it may not begin to operate against the will of our people.

"On the question of Federation, an emphatic and clear declaration was made and passed in the Imperial Assembly to the effect that the Federal portion of the proposed Bill was entirely unacceptable and all parties were united in declaring it as unworkable. All sections of political thought, including moderate opinion, Moslem opinion and Congres opinion have been unanimous on this question of Federation. On behalf of those responsible for the Government of this Province, I desire to make it clear again that we cannot reconcile ourselves to it.

"It is not as if the principle of Federation as such is unacceptable to the country. We are prepared to accept the principle of Federation, in order to bring about a united political constitution for the country. But the question is whether this Federation, as is planned out by the Government of India Act, is one that can answer the purpose. It is our sincere conviction that this Federation is impossible, unworkable and is intrinsically a misfit. It could possibly be conceived that a common plan could be adopted of those elements that have a fair amount of common political development but to piece together irresponsible autocracy, benevolent monarchy with recommendatory or advisory legislatures, and autonomous provinces with responsibility into one legislative frame is an experiment unheard of in history. This mixture will be so incompatible that the resultant compound will not only be unpalatable but would even act as a poison for the very body politic for which it is intended. A reproduction of the discredited system of diarchy after an experience of over 16 years in the country which the legislatures have discarded with the addition of a new element, viz., the Princes, is an experiment which is doomed to failure.

"The provinces have become more or less responsible units to the extent of the civil liberties involved, with a fair amount of popular representation. No amount of political jugglery or patching can make possible things which are inherently impossible of being brought together. It is our conviction that the scheme, far from bringing about all-India unity, as is expected, will only provoke forces of conflict in the provinces and in the Indian States and it is best in the interests of the future that such a conflict should at all costs be avoided.

"The key for the political emancipation of the country as a nation lies in the proper constitution of the Central Government of India. Whatever may be the fate of the provinces in provincial autonomy, the welding of national life in an all-India constitution with responsibility at the centre will alone make national progress possible and also capable of functioning. In this Federation as envisaged by this Act, the conception of such an ideal has been ruled out by the various steps that have been incorporated in it when the constitution is to be brought into force. Responsibility for defence, responsibility for finance,

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responsibility for exchange and responsibility for all those things whi go to make the foundations of national life have been removed from t domain popular control and no time-limit or even a restriction wi *regard to the period of transition has ever been mentioned.* Therefc it becomes necessary at this stage—it is a duty cast upon us—that should tell every one concerned as to what we think about the feder scheme after working provincial autonomy for a period of six montl This Council hopes that the Government of Great Britain will respe the wishes of the people of India and will immediately devise mea even for transitional purposes to set up a Central Government free frc *the objectionable features of the federal scheme of the* Governme of India Act and that this scheme shall be evolved in consultation wi responsible Provincial Governments and national leaders. That su a thing is possible and should be done is undoubtedly the idea of tl resolution and we believe we are voicing the entire sentiments of t nation as embodied in this resolution. It is fair that we should let t Government of Great Britain know that the Provincial Governmen will do all they can to oppose this threatened step."

* MR. R. SRINIVASA AYYANGAR:—" Mr. President, S I rise to second this motion before the House. I do not propose take up more than a minute or two of the time of this House as I ha no desire to make any elaborate statement upon the question. The Hc the Leader of the House has spoken in a way which must carry conv *tion to every one of us and he has advanced substantial reasons w* we should not accept the Federation. Federation we require, but not Federation of this kind which we must spurn. So far as Indian pub opinion goes it seems to be fairly unanimous. All leaders of politic thought, all leagues and associations have with one voice unanimous condemned it. Now Great Britain wants to force down our gullet Federation which we do not want and which if it goes down our thro we will be compelled to spit out. The other day Lord Lothia after recognizing the defects of the scheme and also recognizing t force of the criticism directed against the Federation as envisaged und the Government of India Act, cautioned us to accept it as an experime and my answer to him, humble as it may be, is that when he himse admits that it is defective and that it has earned bad *criticism*, wl should he ask us to waste all our time and energy to try a scheme abo which he is not himself convinced? I can understand some experimen being given a trial when we have a doubt as to whether it will be success or not. But once it is conceded it is defective, I think it w be an act of supreme unwisdom, I don't say folly, and bad statesma ship to ask us to accept this Federation if it is given to us against o will. This resolution is modest and only requests the Government take note of the feeling that is expressed on the floor of the House, ar to devise a scheme in consultation with the Provincial Governments ar national leaders. Federation such as it is under contemplation w instead of bringing about a United India is likely to lead to chac confusion and even disruption. I think His Lordship this day last we

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said this Federation scheme was passed by a Conservative Government and inasmuch as it is now pre-occupied with international situation it is not likely to trouble itself with these democratic matters.

"His Lordship and those of his way of thinking must remember that India is the brightest jewel in the British Crown and in order that the jewel might not grow dim but should continue to shed its lustre, our wishes should be respected. Therefore it is quite opportune that the Hon. the Leader of the House has thought it necessary to bring this motion so that the British Goverument might take early steps to tackle this question in a very sympathetic spirit. With these words, I second this motion." 3-30 p.m

* RAO BAHADUR M. RAMAN :—" Mr. President, Sir, I oppose this resolution. I very well realize that the scheme of Federation as adumbrated in the Government of India Act is very defective. It requires changes. But I do believe that it is not impossible to work it; nor do I find it difficult to tolerate it as a beginning; Federation is quite necessary. It is the only way of uniting the whole of India into one *making a beginning for the birth of a real Indian nation.* Almost every political party has accepted Federation as a necessary step for the political growth of India; all of them have no doubt criticised that the scheme has many defects. The unequal combination of the British Indian Provinces having liberal and democratic Governments with Indian States where there are no such institutions is certainly very extraordinary and a little unsatisfactory. But we notice the attempt of certain Indian States to come into line with the administrative methods of British India. We have recently noticed some satisfactory steps taken by certain Indian States. There is no doubt that public opinion inside and outside the States would soon compel the rulers of States to adopt more liberal methods of administration. Very soon I hope Indian States will be able to adopt methods to remove the suspicion that the nominated majority of those States would make progress impossible. The next objection is that there is no element of growth *within itself.* There is no reference in the Act as to how and when all the subjects would be transferred to the Federal Constitution. We do not see also any provision for the future revision of the Act. In spite of these defects, it would be unwise to reject it. The most prudent way is to accept it, to work it and continue to ask for more responsible Government. But nothing would be successful, nothing would be satisfactory until the different communities and creeds unite together and solve the Hindu-Muslim problem. So far, there has been no sign of conciliating the Mussalmans of India. Leading politicians have been working for years at this question. Every time a serious attempt is made, there is something happening which keeps them further still.

"There is no use of blaming others if by such disunion it became necessary to adopt measures and methods not so liberal as those in advanced democratic Governments. • There are several other differences. All these require a good deal of sympathy and broad vision to tackle.

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A certain amount of give and take is required and not stubborn persistence in ways offensive to the religious and cultural ideas of communities and obstructive to their free growth.

"I do not think there is any harm in giving a trial to the scheme of Federation. Therefore I oppose the motion."

Dr. Sir K. V. REDDI NAYUDU :—" Mr. President, Sir, I expected that the honour of leading the debate in this House would have fallen to some such expert as the Rt. Hon. Srinivasa Sastri, as one who has not only taken a leading part in the Round Table Conferences but also as one who is respected in every corner of this House and in every corner of this country, or the hon. Member, the Leader of the Opposition, whose ordinary duty it is to give a lead to this side of the House. As, however, you were pleased to call upon me to speak, I feel bound to say something on this very very important problem. My hon. Friend, Mr. Srinivasa Ayyangar, in seconding this resolution stated that *that was a very modest resolution. In the wording of the resolution* I must agree with him entirely. The resolution is not framed in the form in which we apprehended it would be framed; we thought that stronger language would be used. In the latter part of the resolution, it says that the constitution should be so amended as it would be agreeable to the people of this country, in consultation with the Governments in various provinces and with the leaders in the provinces. I see the demand for a Constituent Assembly is not stressed or even mentioned. That is a welcome sign. I am sure that my Muslim friends who opposed the resolution on the Constituent Assembly in another place will welcome this resolution. For my part I am thankful that the Government have used this language.

" Secondly, Sir, what is more important for me is there is no mention in this resolution—I think I am correctly interpreting it—that the Congress would not touch Federation with a pair of tongs, they would not go into the Federal Assembly at all and that they would not allow this Federation to come into existence. If I am right in that construction of the resolution, I do admit that this resolution is a very very moderate one, as my hon. Friend put it. Apart from that, Sir, if it is intended to say by this resolution that we Indians are not satisfied with the provisions of the Government of India Act, that we want more power for ourselves whether it be in the realm of defence or finance, *certainly I for one would not lag behind anybody in asking the British* Government to give us more. But, if that is made a ground for wrecking the Act as they expect to do, if that is made a ground for not entering into the Federal Legislature, if that is made a ground for refusing to elect representatives to the Federal Assembly, I must enter my emphatic protest against that course. Surely every Indian in this country would like to have more liberty. In fact I have always been in opposition to claiming immediate Independence and my contention for doing so is this; we are not powerful enough to defend ourselves, to maintain the independence we are asking for, because we have not got sufficient navy in this land, sufficient army, sufficient air-force to

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lefend ourselves if the British were to withdraw to-day from this ·ountry. *We should not have Independence to-day but Dominion* Status. When once we have Dominion Status, we can provide every ear for the construction of our navy, for the construction of our air-orce, for converting our colleges into military colleges for training very student to be a soldier for the defence of our motherland. Then t will be time enough to get Independence. It is essential that we hould have powers especially in the matter of defence and pre-aration of our defence forces in the country. To that extent therefore I am not opposed to the wishes of our countrymen in other camps. But if they say that this Government of India Act is altogether unworka-le and because it is not satisfactory to them they are going to reject t, I must say then that I cannot agree with them. Defects have been xisting in all constitutions. Our friends refused to accept office under rovincial autonomy with all their majorities for four full months; hey have now chosen to come in and we welcome it. My appeal to hem will likewise be 'go to the Central Legislature; your policy has een to get into the Provincial Legislatnre; accept the Federal Consti-ution, go into the Legislatures and try to improve them.' I would ask hem to try the same experiment which they have tried in the case of he Provincial Governments. I must confess that they have succeeded ow. Let me say this; this is what I feel: To-day, the so-called special esponsible powers in the discretion of the Governor, powers in the ndividual judgment of the Governor are a dead-letter and that is lue to our friends there and I welcome it; I congratulate them on it. What prevents them from doing the same thing in the case of the Central Assembly by entering the Federal Legislature? They can try he same thing there. I must confess that the language of the resolu-ion is not violent. The language of another motion was violent.

" Here is the beginning of the making of the nation and any opposi-ion to the beginning of making the nation, however small it may be, vill be doing a definite disservice to the country. Mr. President, never efore in the history of this land, was there anything like national ndia, one-India. We have studied history to some purpose; we have tudied ancient books, our ancient literature; at least in my days, they sed to teach us in the very beginning, Ramayana and Mahabharata. These epics gave us what the kingdom of the empire was. We have eard of Chakravarthi Amberisha who, under one rule, held *eka chatrathi-patyam*, whose estate extended from the Himalayas down to Cape Comorin. It is only now that we are brought together and a chance s given to us to come together. There were the Emperors, Asoka, and Krishna Devaraya and other great and minor rulers. Their kingdoms lid not reach the shores of Southern India.

" To-day by God's help and by that providential dispensation we 3
are linked to the British Empire, and all India from one end to the P
other has been brought together. But even now, there is that great defect, that there are princes exercising sovereign powers. There are these provinces, governed by different laws and by different rules; you

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cannot call them a nation and in order that India might be one, might be one nation, with the 352 millions, it is essential that there should be a Federation; and that is not disputed on the other side. On the other hand, their objection is to the form in which it is put and the difficulties and defects that it contains and also for all the powers that are excluded from us. If that be so, our aim should be to get these powers and to see that we develop them and improve upon them; not that we should say, we won't take it.

" Well, Sir, having said that, let me refer to the objections that have been raised. My. hon. Friend, the Leader of the House, has almost with his charming brevity, introduced this resolution into this House. Honestly speaking, I must admit that I am a little disappointed at it, because I expected that more and better arguments to convince us would be put forward. All that he told us was that a resolution was passed in the Central Assembly sometime last year or the year before which was agreed to by all parties and therefore you had better accept it. Sir, we have got the highest regard for the members of that Assembly who passed this resolution and I do not yield to any one in my admiration of those great wits that have passed the resolution. But, what has transpired in the country subsequently? Why should not we be supposed to have used our own brains, our own humble views and placed them before the country and before this House, so that they may be judged on their merits instead of following what had been done elsewhere? Be that as it may.

" If you will pardon me, Sir, I will revert back to one or two points which I have mentioned at an earlier stage. The hon. Member was telling us that there are so many of the difficulties and defects in the proposals and that almost no power is given to Indians at all. Of course the Finance Minister will be an Indian, but Defence and Foreign Affairs will no doubt be in the hands of Executive Councillors; but still in all these matters, it has been admitted in Parliament and in the Joint Select Committee that the Ministers would be consulted; and we know what that means from our own experience here. A little before my friends on the other side who came into power recently speaking of this Provincial Autonomy were telling us that there were so many powers and responsibilities given to the Governor, the bureaucracy had its stronghold in the Fort—an impregnable Fort—and there is no use of accepting this office. My friend, speaking of the Governor, about whom he and his friends dreaded so much said, 'he is our friend, our philosopher and our guide.' Well, Sir, no better compliment can be paid to the genius of our friends on the other side for having recognized that. When we in our days said the same things of the Governor we were called toadies; we were said to be unpatriotic; we were said to be selling our country and so on and so forth. At last it is a great satisfaction to people in my position to know that when the Congress patriots have come to power they have found that the Governor is a friend, philosopher and guide. At least, there is this satisfaction in us

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that what we said and what we did in our time was not so bad at all. Be that as it may; that is not my point here at all. Leave us, these unfortunate characters who served this country as Ministers, Executive Councillors; we are all bad fellows. Taking them as they are, all good people have come into power and when they have come into power they have found that these provisions which they thought to be obstructions to their powers—I mean the powers left in the hands of the Governor—have become a dead letter to-day. Can they make another independent Assembly and can they get similar concessions, or can they make it work? Well, it after all depends upon the relations between the various parties and the Government. Given the good-will and the co-operation, the constitution can be worked to the advantage of this country, not merely to the advantage of the country but to the realization of the full and responsible Government and the Dominion Status on which some of us at least on this side who do not go the length of asking for immediate Independence—though we also want Independence at a later stage—are agreed. At least it will be a satisfaction and I am perfectly certain that if they try the experiment they will succeed.

"Well, Sir, the other objection that has been raised is that we are being linked with autocratic States. We who have developed our representative institutions, we who have produced such splendid Ministers, we who have passed such moral laws like the Prohibition Act and we who are passing such social legislation as the Debt Relief Bill, why should we be linked with those people who have not got representative institutions whose princes are autocratic and so on and so forth? Sir, that too seems to me to be rather a somewhat unconvincing argument. It was only the other day in the other place, a *resolution* was passed *congratulating His Highness the Maharaja of* Travancore on that splendid proclamation to the effect that the scheduled classes would be admitted into the temples in his State—a very noble, pleasing and a very gratifying resolution and to every word of which I subscribe with all my heart. But when it came to the question of the same principle being applied in Madras, the noble Prime Minister said that Madras was not Travancore. Well, I do not wish to go into that question now, but I am raising it for this point, namely, that Travancore did score more than Madras and the Madras Minister had to plead that he could not go that length because there were difficulties in the province. I sympathize with him; I realize he has difficulties; but I do rejoice at that for this purpose, namely, that we in Madras are far behind Travancore to-day.

"Take again, Mysore. I suppose we all understand the meaning of the word 'Ramarajyam', and what did the great Mahatma say? He found 'Ramarajyam' in Mysore and I am sure the Hon. the Leader of the House will not dispute the statement that Mysore is being governed as 'Ramarajyam', was being governed. Can he say the same thing of Madras? Well, if you cannot, you must admit that we are not as well governed as Mysore. At any rate, nobody here

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in Madras can claim that here it is 'Ramarajyam' and whateve other claims might be made by the Hon. Minister, the fact that Mysor remains a 'Ramarajyam' is there.

"Take again Hyderabad, Sir. His Exalted Highness the Nizai has recently announced that he would take into confidence the peopl of his State and give them an opportunity to express their views. Al these States have got representative institutions. Also, Sir, Cochi has recently distinguished itself by announcing that a Minister woul be appointed who will be *responsible to the members of the legislature* Why then should we say that these Indian States—these 'Rama rajyams' themselves—which have been able to do something whic *other provinces could not do and are still hesitating to do*, why shoul we say that these are barbarians and are unable to cope with us in thi work? Assuming for one moment that there is here and there a Stat which has no representative institution and which has not risen up t the rank of civilization and culture of which we boast, I say that th impact and the repercussions of what is happening in British Province will have their effect sooner or later, in fact, sooner than later, upo the States and that they will come into line with them. After al even assuming that they are behind us, is it not our duty to see tha they come into line with us? Should we leave them alone; cut thei off, are they *not Indians*; have they not as *much claim to* be calle Indians; have they not a claim to take part in the greatness and glor which awaits this great land: and why should it be limited only t British Indians? I fail to see any force in the argument that we ar being linked with autocratic powers while we are great democrats- and whether democracy will at all survive in this province is anothe matter, although I don't propose to raise any question on that to-day.

"So, Sir, the two objections I have answered; one objection, namel that States and we cannot pull together and that it is like yoking of th horse and the bull; and secondly that there are so many imperfection in the Act that it is not worthwhile accepting it. There is yet anothe point to which I should like to make a reference. What is the alte native? My hon. Friend, after making the brief, sweet speech that h has made, sat down without telling us what the alternative is. Supposin you do not own it, what will happen? Supposing the States come i can they elect their members, can the other members in the Assembl here elect their members in your absence? You have told the worl when accepting office here that, if you do not accept office, undesirab persons—we do not know whom you were referring to as toadies—woul accept office and in order to avoid that you were accepting the offic Well, Sir, let them extend that principle to this. Why should the fear that these undesirables will go there? Is India a smaller thin than a province, or are Indian interests so negligible as to be le to others, *or Indian interests so unintelligible as to be left to others* Are these provincial legislatures so great that these undesirables shoul not be allowed to enter them or accept office? That is the poin Assuming for a moment that nobody takes up office, which is evidentl

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he wish of the authors of this resolution, what will happen? I think the answer to that must come from my Right Hon. Friend, Mr. Srinivasa Sastri. I distinctly remember that before he came to South Africa in December 1931, we were all anxiously awaiting the results of the Second Round Table Conference session. A telegram was received in Cape Town, where I was at the time, announcing that what India was likely to get was Provincial Autonomy.

"A day or two afterwards another telegram was received stating that sixteen members of the Round Table Conference had addressed a letter to the President of the Conference protesting against it and it was singular that as many as six Madras members signed that letter, the Right Hon. Mr. Sastri, Sir A. Ramaswami Mudaliyar, Sir M. Ramachandra Rao, Mr. Shiva Rao, Mrs. Subbarayan, whom you all know, and above all Mr. Giri, whom I am sorry not to find here. Then there were others like Sir Tej Bahadur Sapru, Mr. Jayakar and others. The one complaint in that letter was that, as the discussions that followed that letter showed, if provincial autonomy was the only thing that they were going to give them, they might not call them to any further conferences. They said 'We will go away empty-handed rather than go with the skeleton of Provincial Autonomy.' That was what they said. Of course, it is impossible for me to bring out the same force, the same diction and the same language used by the Right Hon. Gentleman in front of me. Everyone who read the news at that time knew with what vigour, with what energy, with what enthusiasm and almost anger they refused to touch this Provincial Autonomy, however complete the autonomy might have been, if it was not coupled with responsibility at the centre. I hope I am correctly representing the facts and if I am wrong I am open to correction, because I was *not a member of that conference*. Well, Sir, what will be the result if you reject Federation? You have Provincial Autonomy here and you have no responsibility at the Centre. Is that state of affairs to continue and if so, for how long? My hon. friend says in the resolution that some intermediate scheme might be devised if only for a transitory purpose. But what will be the intermediate scheme? He does not in any way state what it is to be. We cannot consider it because we have not the alternative scheme before us. We are only asked to do the negative work of destruction not the consolidative piece of construction work. If any such scheme were there, we might have given it the consideration which it deserves. But there is no such thing before us. The only alternative therefore will be that Provincial Autonomy will be here with no central responsibility and the whole thing will go on as merrily as ever and exactly the thing that my friend there apprehended, is going to happen. Are you not playing into the hands of those diehards who proposed to give only Provincial Autonomy? If you pass this resolution, if you say that you are not going to tolerate it, you will actually play into the hands of those British diehards who wanted to palm off our leaders with this wonderful thing, this Provincial Autonomy, without any responsibility at the Centre. I for one, Mr. President, can never be a party to it. 4 p.m.

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"There is yet another matter. I am not unaware that the Congress was not represented in that conference materially, no doubt Mahatmaji was there but Mahatmaji did not agree to this. He was not satisfied with Provincial Autonomy. I do not think he was one of the signatories to that letter. No doubt these members did not belong to the Congress. But still did we not as honourable men feel the obligation that we should respect the feelings and the contract which they then entered into? They are not ordinary men. It may be that the Congress produced greater men, bigger men, men with greater influence and greater following; but still they were men who fought not merely for Provincial Autonomy but also stated that it should be coupled with Central responsibility. It was only given after considerable discussion and their insistence. Otherwise even that would have been denied to us. But now you are trying to throw it overboard. What will the rest of the world think? They were our representatives all the same, whether they represented the Congress there or not. In private matters in our own provincial matters, it may be so. They may cancel every order passed by their predecessors. I know the Madras Government to-day have upset everything that the previous Government did, whether it be the Interim Ministry or the previous Ministry. I do not complain about that. Let them have the satisfaction that they had undone everything that was done by their predecessors. I do not propose to give instances of it now. I gave them in another place and it is well known to our friends. I gave 11 instances and I do not want to repeat all over here. That may according to our friends be perfectly legitimate for them. But would it be legitimate in our dealings with foreign countries? Is it proper in our international relations? Is it proper to do it when our representatives went there as representatives of India? They were representing one country, namely India; they might not have represented the largest party in the country. Still they were representatives of India and they entered into an agreement. I remember the pledges which Sir Tej Bahadur Sapru had given to them. I have got them here. He said:

> 'They are quite welcome to impose any safeguards for their rigths and interests and we shall be more than willing to meet them.'

"That is the one promise which he made. Secondly, he said:

> 'So far as the Army is concerned, by all means keep it in the hands of the Viceroy. Let him exercise control over the Army through the Commander-in-Chief and through the Minister whom he may appoint and we on our part are willing to provide the funds and to agree to all statutory charges in respect of the Army.'

"'Take courage in your hands', he said, 'Provide as many safeguards as you can, so long as these safeguards do not destroy the vital principle and then go about with courage and with faith.' Our leading representatives, men who command the greatest confidence perhaps next only to that of Mahatmaji, who have been regarded as the ambassadors of the Empire, who have occupied high places, who have been members in Imperial Conferences, such leaders, gave such a promise as this, and obtained the compromise on which this Act has been

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based. Are we going to throw it all overboard and say that we are not bound by that because the Congress was not represented there? However valid it might be in our own country, in international relationships, it is a breach of faith to which I believe India will not be a party and of which she should not be guilty.

"I have only one more point which I wish to mention—I shall not be taking too much of the time of the House for I see your anxiety to *give others an opportunity to speak on this resolution. These are pledges* which our countrymen gave and they obtained this consititution as a matter of compromise, between the British people on the one hand, in fact between British diehards on the one hand, and the representatives of the country on the other hand. It took full three years. As a matter of fact these reforms have been under consideration for the last ten years. The Simon Commission was announced in 1927 and yet in 1938, when ten years have passed away, we are still at the beginning of Federation. If to-day we want a further enquiry to be made how long will it take and what is to become of this country during the next ten years which will necessarily be taken up if a further enquiry is to take place? Then what about the leaders themselves? They were there for three years, they went to England for purposes of deliberations, the White Paper was issued and the Joint Parliamentary Committee was set up, there was discussion in a Committee of the whole House; and to ask them to-day to reject it without giving the scheme a fair trial, I should think is very very unreasonable. May I say to the *members of the Government that if they oppose this scheme, if they* stand on the hard rock of negation, they will be doing a great disservice to the country and postponing the day of achieving the goal which was our earnest aim; and I appeal to them not to do it. Let it come; take it; take the power into your hands; take courage, as I said, with both your hands and ask and fight for more. Let us not like the child which is not satisfied with half a *laddu* throw it down on the ground and begin to cry. Let us not do it. Accept it, work it and give it a trial and ask for more."

* SIR FRANK BIRLEY :—"Mr. President, let me assure you that I shall be very brief as I see your anxiety to give others an opportunity to speak on this important resolution. In the first place, I would like to congratulate the Hon. the Mover of the resolution on the admirable restraint with which he moved this resolution. I might say when I came here, I feared that mine would be a voice crying in the wilderness; but after the eloquent speech of my hon. Friend, Sir K. V. Reddi, I am pleased to find that I have some support. When I wish to register my protest against the adoption of this resolution by this House, I would not have you think that I am incapable of appreciating or unwilling to appreciate fully all the implications involved in the resolution.

"I realize the sincerity of the feeling which is behind the resolution and it is with diffidence, not to say humility, that I submit my views—not with any hope that anything I can say will prevent the

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carrying of the motion in this House but in the forlorn hope that certain aspects of the case may receive more consideration than they appear to have done from the speeches which I have heard.

"Let us accept the incontrovertible contention that the people of this country are desirous of the early recognition of their right to an entirely autonomous Government.

"Let us also assume that the people of Great Britain are eager and willing to acknowledge this right and to grant to this country a form of Government which is in complete accord with the wishes of the people thereof.

"If you will accept this I will ask you to believe that the Federal Scheme of the Government of India Act is an honest endeavour not to retard the consummation of your wishes but to forward them by orderly, regular and constitutional means.

"Is there one of you here to-day who honestly believes that the first instalment of Autonomous Government, I refer to Provincial Autonomy, is other than a real advance towards the goal of national sufficiency and is there one of you here who in his heart doubts that the Federal Scheme is not the logical corollary to this Provincial Autonomy?

"I ask you, Sir, not to look upon the Federal Scheme as other than a step towards the ultimate goal and to leave the rejection of the scheme and the adoption of Resolutions such as is now before the House until such time as the Government of India Act has been tried and found wanting.

"I have no doubt that it will be found to have defects and shortcomings but I am equally certain that such defects will be found to be capable of adjustment and amendment and that in the course of years a constitution will be evolved which will be in accord with the wishes and take care of the requirements of the people of India.

"There is one other aspect of the case which I would beg of you Sir, to give most careful consideration because it is an aspect which must have loomed very large in the minds of the framers of the Government of India Act throughout all their deliberations.

"I refer to the necessity for the Act to be so framed as to ensure as far as possible that it will have the support not only of the British Parliament which was sitting at the time the Act was passed but also of the British Nation in the immediate, the near and even the distant future.

"When I say 'as far as possible' I mean as far as human foresight can foresee and you will agree with me, Sir, that it would have been disastrous, nay calamitous, if the British Parliament in 1935 had committed the British Nation to a policy in India which in a few years time might be repudiated by the democratically elected representatives of the British people in the British Parliament.

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"So far as human foresight can foresee it is unlikely that the Government of India Act of 1935 will ever be repudiated by the British Nation and your acceptance of the Act as a step forward towards your goal will be taken as a token of the political sagacity of your leaders.

"Whereas its rejection with the contumely which is implied in this Resolution will undoubtedly be construed into an indication that you have misread the letter and the spirit of the Act and that in fact you prefer the shadow to the substance."

* KHAN BAHADUR SIR MAHOMED USMAN SAHIB BAHADUR:— 4.15 p.m.
"Mr. President, it is not possible for me to agree in the views expressed and the resolution moved by the Hon. the Leader of this House. It is not because I am entirely satisfied with the Government of India Act. I know there are many defects and I am one of those who think that these defects could be remedied by working the Act in a spirit of goodwill and co-operation. The resolution itself contains certain words which I do not think are exactly true, viz., that this scheme would provoke forces of conflict in the provinces and the Indian States. Similar fear was expressed some months ago when the Congress refused to accept office on account of the safeguards. It was said then that they would force a conflict between the Governor and the Ministers. After six or seven months of the actual working the Act we find that there is no conflict between His Excellency and the Ministers. So instead of standing out and saying that such and such a thing will happen, it is better to enter the Councils and work the Act and co-operate with those who want to work the Act and remove the defects that are being noticed at present. As regards the Provincial Governments and the National Leaders I do not know if they will be of one opinion. What has been the case in the Round Table Conferences? Some communal question may crop up and the whole thing may fail. Is it proper to reject the Government of India Act which has come into existence with great difficulty? I congratulate Mr. Birley on his statement that if we work the Act it will be a token of political sagacity on the part of our leaders and from that we can aspire for greater things. I have always said, and I will say now, that it is better for us to work the Act and ask for more. Those who are of my way of thinking think that we should ask for more and ask for something which is practicable. Ask for dominion status. It may not be difficult to get it. It is better that India should be in the British Empire than outside it, specially when we now hear rumours of war. (Hear, hear.) If you ask for something practical you will be able to get it. To-day we have in our Viceroy a great statesman who is friendly to India's aspirations. Hon. Members will remember the two statements made by His Excellency the Viceroy on the 21st June 1937, historic and memorable statements which were mainly responsible for the Congress accepting office. In those two statements you will find words of practical wisdom, which will solve the present situation. He says: 'Of their nature politics are ever dynamic and to imagine that their expression in terms of a written constitution can render them static would be utterly to disregard the

[Sir Mahomed Usman] [31st January 19

lessons of history and indeed the dictates of commonsense.' Furthe Sir, he says, asking us to be constructive in our efforts, 'Whatev emerges you may count upon me in face even of bitter disappointme to strive untiringly towards the full and final establishment India of the principles of Parliamentary Government.' Thus H Excellency the Viceroy has shown his great sympathy in making the two statements. *Is it right for us to reject the present constitution?* it right for us to reject the hand of friendship extended to us by H Excellency the Viceroy?"

THE RT. HON. V. S. SRINIVASA SASTRI:—"Mr. Presider Sir, I rise at a late stage of the debate; but with my logical mind, somewhat strengthens me to congratulate the Government on the terr and on the spirit of the resolution which they have moved through tl Leader of the House this afternoon. This resolution, it appears to m shows a spirit of compromise and of high statesmanship upon which would be wrong for us not to congratulate the Government of the da I may point out a few of the aspects in which the resolution has bee *couched in such terms as to be acceptable to other parties besides t* Congress. Let us for a while turn our thoughts back. It is not so ve long ago that Congress Leaders spoke of a Constituent Assembly to elected on a universal franchise as the only means of determining t future Constitution of India. And how is that Constituent Assemb to decide the future of this great country? It was stated, Sir, in terr very emphatic that this Constituent Assembly was to settle every deta of the Constitution of India and that the Imperial Parliament of Gre Britain was to do nothing but pass it into an enactment. In this resol tion there is no mention of a Constituent Assembly. There is no sugge tion of the thought that the Parliament of Great Britain is to *nothing beyond shaping into law the wishes of the Indian Nation Congress. That seems to me is not a casual omission on the part of t* Leader of the House, or the Prime Minister. It is a deliberate chan of position, and it would not be well on our part not to recognize it a distinct step towards the reconciliation of all parties in this count and towards the departure from the arrogation of all powers and wisdom which formed the characteristic of the Congress, when it d not take up the Provincial Governments of certain provinces. The Sir, *mark the words which call upon the Government of Gre* Britain to determine the future constitution of this countr 'This Council hopes that the Government of Great Britain w devise means to set up a Central Government free from the obje tionable features of the federal scheme of the Government India Act to be evolved in consultation with the responsible Pr vincial Governments and National Leaders.' The responsibility cast on the Imperial Government of Great Britain. Its position an *authority are acknowledged in a manner which admits of no mista* whatever. It is true that Leaders of Indian opinion and the represe tatives of the Provincial Governments are brought in for consultatio The Imperial Government of Great Britain is adjured to call the people into consultation. Even there, there is a distinctive chan towards constructive statesmanship whether it is accepted or not.

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" Now, who would have thought that the *spokesmen of the* Indian National Congress a few months ago, would have recognized anybody distinct from themselves, as national leaders? Congress is the nation was the claim they put forward time and again. Here for the first time *in terms which cannot be misinterpreted, there is an admission that* outside the Congress and the Provincial Governments there are people to whom the name ' national leaders ' may be given. Perhaps the leaders of the Muslim community and the leaders of the nation in the Indian States *are supposed to be included in this class.* As a representative of a small group of politicians in the country, I think I can also claim admission to this honourable class. I congratulate the Leader of the House not only on the terms of this resolution but upon the speech that he made in commending it to our acceptance. That speech, Mr. President, was no doubt, brief. 4-30 p.m.

" It was a brief speech; it was restrained in tone; it did not go beyond explaining the sentiments contained in the resolution. I believe the resolution is entitled to the approbation of this Council.

" I must therefore dissociate myself from the speech delivered by my friend, Sir Kurma, in which he seemed to blame the Leader of the House for the very qualities for which I desire to praise him. Apparently, in Sir Kurma's opinion, he has not exposed a wide front; it was a sin not to invite an attack; it was a sin to desire to conciliate and please every shade of opinion. I think, Sir, that on the contrary I should give my emphatic support to this resolution for I see nothing in it from which I can dissociate myself. Although there was no statement to the effect that the Congress would refuse to work the Federal scheme when it came into operation and although there was no such thing implied in the resolution itself, Sir Kurma thought that somehow or other it must be dragged out and then smitten with all virulence. I see no such necessity at all. If it is not there in the resolution—this resolve to abstain from all connexion with the Federal Constitution—if it is not there in the resolution as I interpret it, I am not bound to put it there and pick a quarrel. All that it says is that even for transitional purposes, another constitution will be desirable. I beg leave to say that in my judgment as a practical politician, it is not possible even to the Imperial Parliament, even if it had a mind to carry out this resolution, in consultation with British India and their leaders, to enact at present a provisional constitution within the brief period that we can allow for the coming into effect of the All-India Political Constitution. It is not possible. Considering the international situation, I think it is idle to press this demand upon the Government. But in itself, the demand is not unreasonable from our point of view.

" *In the admirable speech with the tenor of which I do not fully* agree, which Sir Kurma delivered on this subject, on inaccuracy crept in. He seemed to think that this Constitution was the result of a desire on the part of the Parliament of Great Britain to meet the wishes of the Indian leaders at the Round Table *Conference.* Well, Sir, my

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position has been that this Constitution fails to satisfy that most essential condition of an acceptable Constitution. Signally and decisively the Parliament refused to pay any heed to the demands made even by such a moderate and reasonable a statesman as the Aga Khan. That Constitution is, by no means, entitled to be welcomed by the people of India as being calculated even partially to respect either their ambition or their desire. That character of the Constitution was in season and out of season, emphasized, and condemned. I shall never give my approbation to the admission or claim repeatedly made by British speakers and British statesmen that this Constitution is the result of a desire to co-operate with the people of India and to consult their wishes. Unceremoniously our wishes were set aside. Not for a moment will I admit this claim that this Constitution is entitled to any weight or our enthusiastic acceptance. That is made clear by what follows.

"There I entirely agree with my hon. Friend, Sir Kurma; we cannot afford to stand by and say 'the British public should not ask us to work this Constitution as they please and as they will.' That is not statesmanship, that is not patriotism. However bad the Constitution may be, in fact, in my judgment, the worse the situation is the greater and more necessary is the duty of us all here who claim in any degree, any patriotism, the greater the difficulty, the greater the danger, to take up this Constitution and to work it according to its worth. To say 'off with this Constitution of Provincial Autonomy' is the easier part. The more honourable part and the more profitable part is to take it and to work it. 'The Federation part is more difficult, more complicated, full of more difficulties and constant possibilities of deadlocks; from that, I will abstain; I will leave it to other people; I will watch and make political capital out of it.' That seems to be an attitude that we should condemn; that should not be the attitude which statesman charged with the responsibility of carefully safeguarding the interests of our helpless people, should adopt. It is a part of my praise of this resolution that it carefully abstains from saying so. It is part of my praise to Dr. Rajan that he has carefully abstained from making any such statement. His speech was brief and simple. I admit the seconder of the proposition was not equally discreet. He might have decided upon this occasion to say only those things to which all parties will agree, and refused to say things that divide people further. It seems to me that that should be the attitude to be shown on this important occasion; it must be a request to which all parties in this House can give their unstinted approbation. I hope, Sir, that nothing has been said in the course of this debate to disturb the equanimity of Dr. Rajan. In his opening speech he has carefully avoided acute controversy. In winding up this debate, I hope he will do better not to depart from the narrow path of rectitude and complacency that he has adopted in his original speech. I welcome the resolution and the speech in which it was commended to this House. Let nothing be said

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o-day when we declare our will and our pleasure to the British people—et nothing be said to-day that will show, when we are expressing our lisapproval of the Federal part of the Constitution, that there is any livision in our ranks.

" On that point, we are all agreed and to that agreement let us confine ourselves, but if we go further and ask ourselves the question as to what the future will be, there is likely to be a division and I think that has been carefully excluded from the scope of to-day's debate. I hope Dr. Rajan will not be so unsympathetic as to reopen old controversies which to-day at any rate had better lie forgotten." 4.45 p.m.

* THE HON. DR. P. SUBBARAYAN :—" Mr. President, I am most grateful for the speech that has been delivered by the Rt. Hon. Gentleman who has just sat down, but I want to make it clear that the Congress has not given up its claim for a constituent Assembly, because we Congressmen feel, and I am sure our countrymen sympathise with us, that any Constitution which has to be framed for the Government of our country, should be framed by ourselves and in this country; and we are still of the view that such a Constitution framed by our countrymen should be accepted by the British Parliament because it was done in the case of South Africa and the Commonwealth of Australia and we are no whit behind these two countries in the matter of advancement towards Self-Government. I also want to make it clear, Mr. President, that the acceptance of office by the Indian National Congress is not in any sense, an acceptance of the Act. The Congress still stands by its election manifesto which makes it abundantly clear that the idea of the Congress in standing for election and capturing seats was to combat and end the Act; and I want to make it clear that the Congress has not moved from the position which it took up during the election; the election manifesto stands and it is on that manifesto that Congressmen have accepted office in the seven provinces where they possess a majority. May I also make it abundantly clear that the Congress has accepted office by the will of the people, by the judgment of an electorate created not by themselves but by the British Parliament; and that electorate has accepted the election manifesto of the Congress by returning the Congress in clear and undoubted majorities in seven provinces in this country? The resolution as my Rt. Hon. Friend pointed out steers clear of what Congressmen will do if Federation is introduced, because we as politicians and patriots feel that we should not lay our cards on the table before the occasion arises. When the occasion arises what the decision of the Congress will be, will then be known. May I, Mr. President, read out the statement made by Lord Lothian just before he left this country, with which to a certain extent, I am in agreement? Lord Lothian said:

'I have met no responsible person who is opposed to Federation as such. For Federation is the only system by which unity and national self-government can be combined with local diversity and autonomy in so vast a country as India. It is the only method by which India can escape the calamities and wars which have overtaken Europe through its division into one hundred and twenty sovereign States. But there is vocal and vehement opposition to the particular scheme embodied in the Government of India Act. There is opposition

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to the inclusion of the nominees of Princes with large weightage both in the Federal Assembly and the Council of State. There is opposition to the system of indirect election and separate electorates. There is opposition to reserve powers and special responsibilities in the hands of the Viceroy and above all, *there is opposition to the apparent rigidity of the constitution* imposed, it is true, after endless mutual discussion, on India from England. Personally I agree and have always agreed with many of these criticisms.'

"Therefore, it will be noticed, Mr. President, that Lord Lothian who is an impartial observer of this Constitution agrees that many of the criticisms which my Rt. Hon. Friend gave expression to in his own admirable way are justified, and therefore, it is not possible for the people of this country to accept this Constitution because it is an imposed Constitution; it goes against the will of the people and, what is more, as my Rt. Hon. Friend pointed out, the Government in England did not even care to look at the moderate demand which was made by the British Indian manifesto headed by no less a person than *His Highness the Aga Khan. I am indeed grateful, Mr. President,* to my Right Hon. Friend for declaring that he is in entire sympathy with this resolution and that he for one cannot see any objection to the terms or the method in which the resolution was moved by my Hon. Friend, the Leader of the House. I was also glad to hear the compliment *that he paid to the Leader of the House for the moderation* which he exhibited in his speech. This has been done, Mr. President, not because we are afraid, not because we feel that we do not represent the people of this country, but because we as patriots and as prudent politicians want to carry our friends on the opposite side with us in the *matter of opposing this Constitution. If by the methods we have* adopted we could get our friends on the opposite side to sail with us in the matter of opposition to this Federation, then I am sure, Mr. President, we have done wisely and we shall have reaped the profits of our moderation."

MR. J. A. SALDANHA :—" Mr. President, Sir, it is rather puzzling even after the speech of the Hon. Dr. Subbarayan to see how this present motion is compatible with the former motion on a Constituent Assembly, because the *point was not made clear and I hope it will be* made clear. But what I want to stress to-day is, that Lord Lothian himself has recognized that there are several defects in the Constitution and he admits that it is not acceptable to the majority of the people of India. But he has also stated that this is a time of international *conflicts and that British statesmen are fully absorbed in solving those* problems and that they will not be in a mood to take up this question of changing the Constitution. I am afraid that this fear is not well founded. Mr. President, Sir, you may remember that it was in 1917 in the midst of a great and terrible war that the famous declaration *of the Government of the day was made in Parliament undertaking to* give us responsible Government. Surely, if Government is convinced—and they must have been convinced by this time—that the Constitution is defective, it must be quite possible for them to devise measures such as are contemplated in this resolution, though they may not go into the question of the Constituent Assembly now. This is a time when lots

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of alarms have been raised on account of Japan's ambition not only to conquer China but also to conquer India. How shall we be prepared for it even if it were to happen? The only way of inducing India is to ake up arms and to heartily co-operate with the British Commonwealth of Nations to give us autonomous government, that is, Dominion Status. It is only that that will satisfy us and it is not very difficult to devise a constitution. Therefore, I am sure this resolution will be acceptable o the House."

* MR. S. K. AHMED MEERAN:—" Mr. President, Sir, I rise to support the resolution which has been moved by the Hon. the Leader of the House. Let me at the very outset say, Sir, that I do not want to say anything as to what will be the attitude taken by the Muslim League with regard to the actual working of the Federation when it comes to actual working. As the Hon. Dr. Subbarayan said just now, that it is not the policy of the Congress to lay the cards on he table of the House as to the future attitude of the Congress, I say, Sir, the same is the case with the Muslim League as to what attitude we will take in the actual working of the Federation. At the same time, I do not for one moment believe the argument that we must try to work out the scheme to find out defects that are inherent in t. Of course, one thing is patent, that it contains a lot of patent lefects and things that cannot be remedied by actual working. Therefore, it is one thing to say, condemn the scheme as it is, and another hing to say, as to what we shall have to do in the event of its being hrust upon us. With that reservation in mind, I, for one, am in entire agreement with the resolution. We cannot, for one moment, agree with some of our friends who want to work it out and then try and find out the defects and evolve a better scheme. To compare it with the analogy of the present Government accepting office in spite of he misgivings and doubts, I do not think the analogy holds good at all. Rightly or wrongly, they did not accept office for some time and hey accepted office after some time, but that does not mean that they are going to do the same thing in regard to the Federal Constitution as it is constituted to-day. The Congress refused to accept office not because it was no responsible Government at all, but because they wanted to be assured of certain things before they entered upon the office. There is a world of difference between the constitution of the Provincial Governments under the present Government of India Act and he constitution of the Federal Government. It is possible that even if perhaps the Government had not given that assurance, they would have accepted office and it was possible to work the Provincial Government even without any guarantee. At the same time in spite of all assurances which His Excellency the Viceroy may give that he will not use the pecial powers, there are inherent defects in the Federal constitution which perhaps no Viceroy can remedy in the actual working of it. For example, if you take the Federal Constitution, what is the method of election that is going to be adopted? Here we have got the Provincial Government responsible to the legislature and the legislature is

elected on the widest possible franchise we can think of. For the moment we have got fully elected representatives in the Lower House and so also in the Upper House. As against that, what have we got in the Federal Assembly? We have got a Federal Assembly which will be elected from the Lower Houses in the provinces and that not only by indirect election but also by proportional representation by means of the transferable vote. What will it come to? Who will be the electors and who will be the voters who will send their representatives to the Federal Legislative Assembly? It cannot be more than half a dozen or perhaps not even six if I am not mistaken. For example, take the Muhammadan constituency. We have to elect eight representatives to the Federal Legislative Assembly and the members who constitute the electorate will be a handful of 29 members and if I could perhaps get three or four first preferences I am sure to be elected. What do you think of such a constitution as against the provincial legislature which has got an electorate of tens and thousands of voters. What do you think of such a representative? What is the difference between a representative who will go there as the representative of two or three whom I can always hold in my pocket if I am able to get them, as against a representative of the millions and millions of voters.

"Apart from the smallness of the electorate, I cannot for a moment think of an election of a representative for two or three people. It has a very demoralizing effect. I am not speaking of any corruption. I am not speaking from the monetary point of view. It will have a demoralizing effect if one is to seek the support of only half a dozen people in an electorate of 26 or so. They will look to him more as their representative than as a representative of the nation, they will look upon him as a person who is there as a matter of personal obligation as they know that if their help is not given to him, he would not be returned to the Assembly. Will not such a situation have a demoralizing effect on the representative? Moreover the representative himself will know that if he could not get the support of the same set of people next time, he may manage to get the support of some other four or five people and get himself elected. Such a thing is possible, so long as there is this indirect system of election and so long as it is to be by proportional representation. In addition to all these things, we have besides the so-called representatives of British India at the Federal Assembly, the representatives of the Indian States. Without meaning any disrespect to the rulers themselves, such an arrangement cannot work, for it is a heterogenous combination of one set of people elected by representatives of provincial bodies who are responsible to the provincial legislatures and another set of nominees of the rulers of Indian States who are not at all responsible to any representative institution. Such combination to work harmoniously is inherently impossible. I do not mean that the Indian States are always inimical to the interests of British India. It is not that. It may be possible that the rulers themselves may send better representatives and that the representatives themselves may begin to take an independent view of things. But as they are situated, hedged in with so many restrictions (even with things left to

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themselves), their representatives will naturally come in conflict with the interests of other institutions. There cannot be any doubt of that fact at all.

" Then let us take the Federal Upper House. In that body about 40 per cent of that body come from the States, though their population is only 25 per cent of ours. They have a weightage to that level. And further we have nominations even in that body by the British Government itself and in the Federal Assembly also, there is a one-third representation for the States. Whom are they responsible to? It is all very well to say that they are all thinking of a Federal India which is the only solution. If there is to be a United India, we must have Federation. But is it that kind of Federation that has been envisaged in the Government of India Act, a Federation which aims at unity? That is the point. And it is on that point that we attack Federation. It is on that point that we say that we want to evolve a better and United India and therefore Federation is an absolute necessity. It is one thing to say that Federation for purposes of unity is a necessity and quite distinctly another to say that we support the scheme envisaged in the Government of India Act, a thing which is unacceptable to us. It is in that view of the matter that I make bold to commend the resolution for the acceptance of the House."

* MR. T. A. RAMALINGAM CHETTIYAR :—" After hearing the speeches that have been made, I think it is not necessary to take up much time to commend the resolution for the acceptance of the House. I wish very much indeed that I could share the optimism of Sir K. V. Reddi, that this is a constitution which sets us on the way to self-government even if it be with a little delay. But unfortunately the constitution puts us in a tight iron chain out of which there is no outlet whatever. Instead of its much-vaunted adjustability to the growing demands of the people, once the Federation is formed, it is there for ever. Not a word of it can be changed unless every one of the 606 Indian States which are going to join the Federation and the eleven British Indian provinces agreed to it and once they acceded to the Federation, they cannot get away. Is it a constitution which Sir Birley and Sir Reddi consider, would lead to a better and more democratic form of Government? It practically gives a death blow to the claim that the constitution is anything like a growing constitution. It is really an iron bond, an iron chain which can never be broken once the Federation is formed. I am glad Sir K. V. Reddi paid a compliment to some of the Indian States. I do not know whether he will be prepared to accept the constitutions of those States to be adopted for the province of Madras. I should like him to think over that for a moment. After all the few he mentioned do not exhaust the list. There are as I said about 606 of them, some of them occupying a few miles of territory perhaps with a few hundreds of population going up to the biggest on the list. The constitutions of those other States he did not mention are not in any way similar to those he has mentioned.

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"That is not the only point. There is this unnatural arrangement under which the Indian States are not to surrender to the Federation even a minimum of powers and especially is it the case in regard to the bigger States; but on the other hand, every one of the representatives of the Indian States will have a deciding voice in everything connected with the affairs of the Provinces of British India. No self-respecting citizen of British India can ever agree to such an arrangement. The answer to that objection given in the House of Commons and other places—we find mention of it even in the Report of the Joint Select Committee—is that a convention may grow under which the representatives of the States may not take part in deciding issues in which they are not interested; but I do not know whether any convention like that can grow when even at the start we are apprehensive that our rights may not be respected, when we fear that our interests may be trampled upon and want them to be safeguarded in all sorts of ways. If there is to be progress, there can be progress only if similar institutions and similar people come together under a Federation. Sir K. V. Reddi in his usual emotional way spoke about the whole of India coming together for the first time under a Federation. But he forgot for a moment that the old empires were not empires of the pattern which is now proposed here. The old empires were autonomous bodies having the same law, the same constitution, the same Government and the benefits of the same rule. It is not anything like the one that is now proposed. We are now asked to bring in the least advanced of the Indian States and place them alongside us; and it is expected that the two will be able to carry on to the satisfaction of both. I beg to submit that it is an impossibility and even from the start it can never work. In spite of all these, in spite of the difficulties, in spite of the temper, in spite of their respective positions and in addition to all these things, we have got imposed on the constitution the usual safeguards, the usual question of interference of the British Government and also there is diarchy leaving out the most important subjects that concern the people and the empire to the Viceroy. Not only one difficulty but with all sorts of difficulties bristling like this with reference to the constitution, with reference to its working and with reference to respective powers, is it seriously believed that a Federation like this is going to work, much less work satisfactorily? Sir K. V. Reddi said that this is a constitution which has been agreed to by the representatives of the people and the British Government and so, it ought not to be rejected. In the first place, I am sorry that he is mistaking the whole position. The British Government themselves said that the people with whom they were negotiating were not representatives of the people and the Indian leaders who went there never claimed that they were representatives of the people. They never claimed that they were speaking on behalf of the people. In the later portion of his speech, Sir K. V. Reddi argued that they were a party to the agreement and that we ought not to disown them. But the Right Hon. Mr. Sastri has told us that there was no sort of agreement. They put forward a sort of appeal to

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the British Government and the appeal was rejected and not a single portion of the prayer that was contained in that appeal was vouchsafed to them. To take the participation of the Indian gentlemen who were invited by the British Government in the deliberations that were held in London and call the constitution an agreement is, I beg to submit, to do violence to the meaning of the term 'agreement.' The Right Hon. Gentleman told us that even the moderate demands of a person like His Highness the Aga Khan were not accepted. Such being the case, to say that what has been given by the British Government is the result of a compromise is a travesty of what has actually been done by the British Government. It has no foundation whatever. It is not necessary for me to do anything more than to say that except Sir K. V. Reddi and Sir Mahomed Usman, nobody really wanted this constitution; and nobody wanted that it should be accepted and worked. Even Sir Frank Birley admitted that it was not satisfactory. All he said was that one may accept it as a beginning to be developed into a pure democracy. But I contend that that is not possible under the constitution itself. It does not appear to me that he is a supporter of the arguments of the other two gentlemen who said that we should accept whatever is given to us. They virtually said 'Do not look into it. Whatever is given accept it; and then try to get more.' But I say that that does not fit in with the position which anybody can accept. As the Right Hon. Sastri said the Liberals have also stated so. It ought to be remembered that the Conference in London was made up of leaders of liberal opinion in India. In spite of this fact hon. Members Opposite, while admitting that the constitution is not acceptable even to the party that 5-15 p.m. was consulted yet they want to go wholeheartedly for the constitution. With these facts before us I do not think any member can do anything else but vote for the resolution. Even those who expressed a little doubt, I hope will now see their way to accept the resolution and have it passed unanimously."

* Mr. B. BHIMA RAO:—"Mr. President, Sir, after the admirable speech of the Bhishma of this House, the Right Hon. Srinivasa Sastri, I do not think it is necessary for any one to lend support for the resolution which has been moved by the Leader of the House. It is admitted by even the best of the critics on the opposite side that there are defects in this constitution. There is absolutely no secret made about it. I think much of the criticism that has been levelled against the resolution is not with regard to the actual terms of the resolution as such but what is not contained in it. Sir, with regard to the terms of the resolution I do not think I need take much of your time. It is very difficult for provinces constituted on the basis of democracy to enter into partnership with States which are run mostly on autocratic lines. The hon. Member, Sir K. V. Reddi, referred to some leading States in one of which the kind of Government that prevails is what may be called Ramarajya. But for one such State there are several minor States where the rule is one of Hitlerism, and

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where there is pure unadulterated autocracy. It is very difficult for provinces constituted on democratic basis to enter into partnership with them. Though the population of the States which are entering into the Federation is 79 millions out of the total population of 352 millions in India, that is, though the population of these States is only 22 per cent yet in accordance with the constitution worked out by the British Parliament they have been given 104 out of 260 seats in the Federal Council of States. Why are these excessive seats given there? Similarly in the case of the Federal Assembly they get one-third of the number of seats. Well, Sir, I submit these are all designed to consolidate imperial interests in India. So, I think now it is our duty at present, to enter our emphatic protest against this constitution. I may also say, Sir, this constitution of the Federation laid down in section 5 of the Government of India Act goes against the spirit of provincial autonomy. In the case of the provinces though it is said you have got provincial autonomy we have no option in the matter. In spite of the fact that the majority of the Lower House might be against it, it is left to the sweet will and pleasure of the British Parliament to control the formation of Federation. The spirit in section 5 of the Government of India Act is against the provincial autonomy which they say they have conceded to us. Sir, in addition to these I may meet the argument of the hon. Member, Sir K. V. Reddi He said that the British Indian representatives and the States' representatives went to the Round Table Conferences and entered into a solemn agreement and it is quite unwise of us and it is not worthy of the honour of a nation to repudiate such an agreement. As has been pointed out by the Right Hon. V. S. Srinivasa Sastri and several others, those members were not elected by any of the representatives of British India. They were chosen by the British Parliament. They may be eminent men who have rendered meritorious services. Yet the selection was made by them and not made by the representatives of the legislatures of the British India. As has been rightly pointed out it has been done in defiance of the unanimous wishes of the Indian representation led by His Highness the Aga Khan. When such is the case I think no further time need be taken in accepting this resolution. It was asked what should be done if this resolution is not accepted. That question is not before the House now. What will have to be done will be considered later on. That need not deter us. Taking the resolution as it is I appeal to the House as a whole to lend its unanimous support."

* Mr. T. C. SRINIVASA AYYANGAR:—" After the exhaustive speeches made on both sides of the House it will be really unnecessary to go over the same ground. But one thing I may be permitted to point out. Even in the speeches of those hon. Members who oppose there is an element of discontent at the scheme of Federation which has been enacted, so that, upon the principle of Federation there is a unanimous expression of opinion that it is not acceptable. If I can use a loose expression it is a chow-chow of a mixture of discredited diarchy in the administration, diluted democracy in the indirect election which has

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been provided for the Provinces and a system of autocracy in the nomination of representatives for the princes. It is not a democratic constitution which India can be proud of or on which it can proceed towards the goal of independence or self-government. Many arguments have been advanced as to why this resolution ought to be accepted and the enacted federal constitution rejected. There is one other argument which is most important. After the Boer War when the South African Constitution was framed the draft of a constitution as desired by the people of South Africa was submitted. The British premier stated that the draft should be approved of as a whole and no modification was to be made because it was the draft of the people. That was the spirit with which the South African Constitution was given. That is the spirit which the British have been professing whenever they conceded free constitutions for people of other parts. That was the spirit underlying the enunciation of the doctrine of self-determination during the Great War. But that principle was soon forgotten after the war was over. Therefore the objection is not that it is not perfect but it is undesirable as it will retard the progress and expansion of democracy. Apart from the Congress objection that the constitution will be unacceptable as long as it is a constitution which has not been determined by the people of the land, the federation would be difficult to change, without the concurrence of all the princes joining it, once the federation as now enacted is installed. With these words I support the resolution."

* Mr. K. P. MALLIKARJUNUDU :—" I rise to support the resolution. It has been admitted on all hands that the present scheme of Federation adumbrated in the Government of India Act of 1935 is objectionable from more than one point of view. The present scheme of Federation outlined by the Government of India Act is not wanted by the princes, and is not wanted by the people of British India. Still it is going to be imposed upon us. Therefore it is our duty to resist it with all the strength that we can command. It has been pointed out that there are very many defects and imperfections in this Government of India Act. Of course I need not dilate upon the various defects that can be pointed out. But I think it will not be irrelevant on my part if I showed some important defects which we find in this Act. I think I can summarise the possible objections to this scheme of Federation both from the point of view of structure as well as material. Let us call our attention to the structure of the scheme. In the scheme of Federation, autocratic princes and the democratic provinces have been brought together. If I remember aright, our greatest leader Mahatma Gandhi once pointed out that this combination of undiluted autocracy and democracy is bound to end in an explosion. If the British Government is determined upon imposing this Federation on unwilling people the result that is prophesied by Mahatma Gandhi is bound to ensue.

" I propose now to refer particularly to some features regarding separate electorates. If at least the representatives of the British Indian

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provinces are to be elected on the basis of the joint electorate system, it would have been somewhat better. But in the present scheme we find very many water-tight compartments. There are Mussalmans, Europeans, Anglo-Indians, Christians and so on and so forth with separate electorates. With these various groups elected on the basis of the system of separate electorates, it is not possible to work the Act harmoniously. Coming to the other proposals of the present scheme of Federation, it has been pointed out that it is full of defects. There is diarchy in the centre. The system of diarchy has been condemned time and again by very many eminent politicians; even the Simon Commission condemned the system of diarchy in unmistakable terms. While the scheme of diarchy stands thus condemned, I do not see why it is introduced in some form or other in the Central Government. The present scheme of Federation bristles with very many reservations, safeguards and special powers, individual judgment and discretion of the Governor-General; these special powers placed upon the little responsibility at the centre, strangle it. There are also many restrictions on our powers over finance, currency and exchange, which are materially important for our national development. Besides there are very many provisions adumbrating principles regarding commercial discrimination; there is the Statutory Railway Board which interferes with the policy laid down by the representatives of the people. It is therefore proper on our part to set aside such a scheme of Federation that has very many inperfections; it must be resisted by all the representatives of the people.

"We were criticized by Sir K. V. Reddi Nayudu; he asked us:—When the Congress accepted Provincial Autonomy, why not take up the responsibility of accepting the Federation also? I shall point out one thing in that connexion. There is some meaning in the Congress organization accepting office in the provinces; take the example of the Madras Assembly; the Assembly consists of 215 Members out of whom 146 Members are representatives of general constituencies. Therefore it is possible to form stable Governments in the Provinces and the Congress has therefore assumed office. Whereas in the Federal Assembly where there are 375 seats, only 105 seats will be allotted to general constituencies; it is not at all possible for any popular party to assume power without any stable majority in the Assembly. That is only one of the important reasons why the central responsibility is of a kind which can never be accepted by any party which can be called a popular party.

"In the course of his remarks against the resolution, Sir K. V. Reddi Nayudu stated that there was no national or United India in the past. I would like to say that he has misread history. I would refer my hon. Friend to the *Vishnu Puranam* which contains the charitrams or history of kingdoms which held sway over the whole of India. I should therefore submit that the statement made by the hon. Member is not based upon facts supported by history. He also pointed out that the Congress is helpless in the matter of fighting

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Federation. That is a matter for the future. The Congress High Command is going to deal with the matter as and when the necessity arises. We do not know whether Federation is going to be a real issue at all. I understand that many princes are even now opposed to Federation. It is recently reported in the newspapers that the Nizam of Hyderabad is not willing to give up his rights over the currency question. The Mysore Government is not willing to enter into Federation unless its subsidy is cancelled and unless Bangalore is given back to them. It is extremely doubtful if the other princes also would join the Federation. In these circumstances it is idle to expect that Federation will be introduced. If it is not going to be imposed, there is no question of entering our protest against it. If it is going to be imposed, it is the bounden duty of all popular representatives and national leaders to oppose it with all their might."

* Mr. K. MADHAVA MENON:—"Mr. President, Sir, the Federal Constitution as envisaged by the Government of India Act has been sufficiently analysed here to show how unworkable it is and how it is against the self-respect of the nation to submit itself to the imposition of such a constitution. It is unfortunate that the discussion on the resolution is turned not on the resolution itself but on what will be the attitude of the Congress or the other parties if the Constitution is not changed. As was stated by my hon. Friend, Mr. Bhima Rao, Sir Reddi Nayudu has abused the Congress not for what the resolution contains but for what it did not contain. . ."

* Dr. Sir K. V. REDDI NAYUDU:—"I did not abuse them at all."

* Mr. K. MADHAVA MENON:—"My hon. Friend says he has not abused us. He has taken the opportunity to hurl cheap jibes at the inconsistencies of the Congress till now. He stated: you said that Provincial Autonomy was bad; you will not accept it; now you have been wise enough to accept office and you have done well. Now what is the result? Special powers of the Governor, individual discretion and independent judgment of the Governor have all gone; they are nowhere there now. May I tell you, Sir, that they are not there not because of an overburdened responsibility that you felt that the King's Government will not be carried on if the Ministry is not accepted, but because we fought for it, that the safeguards and the special powers should not be there. So we do not regret our having fought for it. We realize that fact only too well; you must also realize that it is because we all fought for it, those special powers are not there. Then again my hon. Friend was hurling other cheap jibes and said that some Ministers had stated that the Governor was their friend, philosopher and guide. When Sir Reddi Nayudu said that, he was considered a toady. Perhaps the venom of these remarks lies in the truths of them and have stung him and he remembers them now. Nobody will say now that the present Ministers have offered that remark because of toadism. There may be real friendship, real

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philosophy and real guidance and not guidance of the sort which is rightly deserved by the appelation toadies and which my hon. Friend still feels. I am sorry I have to make these remarks. I have to do so, because he took advantage of this opportunity to hurl cheap jibes at the Congress, an institution which has been fighting for the independence of our country and for which I should think every man in this country ought to be grateful.

" The position of the Indian States in connexion with the establishment of Federation, is very curious. There is reservation of every kind, the Instrument of Accession, etc. One Indian State says 'I will accept this.' Another Indian State says 'I will accept that.' A third State will say 'I will not accept this.' Such is the position of the Indian States and option is given to them to join the Federation. Under such circumstances it is ridiculous to think that the Indian States could be brought under the scheme of Federation.

" Sir Reddi Nayudu was very eloquent over the Temple-entry proclamation of the Maharaja of Travancore and asked 'what the Madras Government have done in the matter.' The Hon. Premier of the Madras Government has simply stated that the position of the Madras Government is not the same as that of the Travancore State. He was charitable enough to admit that the position of the Hon. Premier was perfectly right. Does he really believe or does he want us to believe that the wishes of the people of the Indian States have been taken into consideration in connexion with the establishment of Federation? Absolutely not. The wishes of the people of that State have not been taken into consideration. The Maharajas of Indian States have the power of nominating and appointing certain persons and they can decide the fate of the people belonging to the State. Under the scheme of Federation, Maharajas can decide the fate of other provinces also which are not governed by them.

" As has been pointed out by Mr. Ahmed Meeran, in the scheme of Federation besides the representation of the States, there is the chapter relating to commercial discrimination. I can say that there is no counter-part of this chapter in the Constitution of any other country. There is absolutely no power to effect any change in the constitution. Most of the constitutions in the world provide for their growth. This constitution is against any change. The object is to retard future growth and not to help it. I ask Sir Reddi Nayudu to look into the constitution of other Governments in the world. No constitution is as rigid as that of this country. It is admitted on all sides that our constitution is bad. There are very many defects in the constitution. What does this resolution demand? It only says there are defects and they ought to be changed. The Congress was accused and we were accused for asking for a Constituent Assembly. We were accused for saying that we would not work this constitution. Those are all absolutely irrelevant issues; they were referred to perhaps to

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hurl cheap jibes at us. There is absolutely nothing in this resolution with which anybody in this House cannot agree. So, I request that this resolution might be passed by this House without any division."

* THE HON. DR. T. S. S. RAJAN:—" Mr. President, I am personally very grateful to all those hon. Members who have been kind enough to take part in the discussion which was consequent upon the resolution I had the honour to move. After listening to the very excellent debate that followed the resolution I find that there is a fundamental unity with regard to the opinion which I wanted to draw out as a result of the resolution that I moved in this Council. Even a disinterested critic of this resolution will not deny that this constitution is imperfect, that it is certainly full of defects which should be corrected if it is to be accepted at all. The only argument offered so far against the resolution is, 'let us not go into those questions now, let us take it and work it for what it is worth.' That is really the position taken up by those who opposed it. The main reason why the resolution has been brought forward in this House is that this constitution is imperfect and that it is full of defects and is not wholly acceptable. Having granted all these facts, I really do not think there is any reason for opposition to this resolution. First and foremost a charge was laid on me that I was brief, so brief that it may be considered a discreditable performance on the part of the Leader of the House. I must plead guilty to the charge. I have not been a lawyer and I have never been in the habit of giving long-winded explanations for facts which are patent and admitted. I have been a surgeon myself all my life and I deal with human life and I used to operate on them as conditions arose and in as quick and as short a time as possible. To me politics is a reality and it is a thing of life and death and to me it is a truth about which I shall not argue. Constitutions have been framed and constitutions have been worked and I dare say those who devised these constitutions have done so to the best of their ability and in the light of the experience that they had in the framing of constitutions. I really do not find fault with anybody for that but it does not take away the right from me to say that this is not wanted, this is not what you promised you would give. If these are granted, there is no reason why anybody in this House should oppose this resolution. The resolution has made perfectly clear the fact that we are saying that the constitution is not acceptable, even before it is brought into force. We do so by all constitutional means and we feel it is our duty as the true representatives of the people of this country to tell those in authority and those who are concerned that it is our sincere conviction that this enforcement of a constitution against the declared will of a nation is a thing which we do not approve of.

" Well, Sir, the question will then be naturally asked as to what it is we are going to do. It is too early in the day to say as to what we will do. Politics is a game; it is a game of give and take; it is a game in which we take hold of opportunities as they come. I may

tell my friends that we are determinedly opposed even to provincial autonomy but you have to give us credit, Sir, for that amount of commonsense which enabled us to proceed with what has been given us and to show that we can utilize even this provincial autonomy to make that progress towards independence which even Sir K. V. Reddi declared as the goal. Therefore, if in this game of politics it is given to us to utilize every opportunity, every occasion and every step, to take hold of such opportunities which those that are in power give us, it is natural that we should evolve something out of what has been achieved and accomplished. It is no use declaring from house-tops that we shall do this and do that. We are a government responsible to the people and we propose to run this administration and get the best out of it as far as it lies in our power and as we have stated very often, we have been striving even during these six months to make the best of a constitution which in our opinion is imperfect. You will realize, Sir, that in the position we have taken up to-day towards this scheme, we are only affirming our conviction with regard to the fundamental principles that have been embodied in the constitution. We have not been precipitate; we have not been in a hurry; we have behind our resolution the entire, consolidated and thoughtful public opinion which has been times without number expressed in season and out of season. Therefore, in putting forth the resolution as I have done, we have taken into consideration the prevailing public opinion of all schools of thought. Here I certainly owe a debt of gratitude for the inimitable way in which the Right Hon'ble Mr. Srinivasa Sastri explained the resolution. It certainly does credit to his acute intelligence and his clear-sightedness with regard to the resolution placed before the House. The political instinct in him, the instinct of the statesman in him has made him see the implications of this resolution. He has taken his stand in so far as this resolution goes and I am indeed grateful to him for the unstinting support which he has given me in carrying this resolution through this House.

"Only one word I would like to say. Whatever may have been our faults with regard to our administration, I must say, we lay no claim to very great administrative experience, but in our sincere attempt to carry out the pledges which we have given to the electorate—which are no secret doctrines—and in our efforts to be faithful to a democratic constitution which we like to work on democratic principles, we have found it necessary to undertake legislation in the light of facts on which we rely. I am speaking on behalf of the Government and I really cannot even in my dreams see that we have done anything wilfully to undo or discredit the actions of the previous Governments or Ministries. We are in fact well aware of the help and the sympathy which the Opposition and members of experience in this House are giving us in the conduct of our work. We are not unmindful of the advice they have given us on occasions in the discharge of our duty and in doing so we have, as far as possible, taken special care not to throw dust upon, not to vilify, not even if possible, to wound the self-respect or the good feelings of those who had been in charge of the

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administration before we took up office. Personally speaking, I may tell my hon. Friend, Sir K. V. Reddi, that I at least have taken every possible occasion to acknowledge such things as appealed to me in what the administration has done during the previous years and I take it that I voice the opinion of the members of the Cabinet as a whole when I say that not one of them has said anything out of a spirit of vindictiveness. We are, Sir, particularly anxious to take note of every criticism that has been assailed against us. We are also as far as possible trying to conduct ourselves in a way that when the time will come, whatever may be the difference of opinion between us, it shall be said by our opponents that we at least never hit below the belt. Therefore, I was really sorry that Sir K. V. Reddi should have taken into his head to attack us in the way he did just now, but I am not concerned about it at all, for posterity will judge us by our actions and perhaps will give due credit to our actions. I am glad indeed that on this occasion, Sir K. V. Reddi thought it possible to express himself in terms in which he has done to-day. I can assure him that we and the Congress see almost eye to eye with him in his reference to the Ramarajya which he envisaged. Certainly that is so, but even if Rama were to rule now, we would say that it is a monarchy and it is in no sense a democratic State. We are not in this discussion concerned with the individual merits of rulers; we are not concerned with the benevolent acts of rulers; but we are concerned with the States as political entities in the matter of a Federated India and in that we are asked to associate ourselves with units which are so varying in their constitution which to us, at any rate, looks as if it is almost an incompatible mixture. Pardon me for saying so. To me a mixture must be of such ingredients—at least chemistry has taught me that—that would constitute compatible elements. If you mix acid with alkali you will get neither acid nor alkali but a base and the whole mixture will change if the natural laws which should operate on these mixtures are not enforced and observed. What is true of chemical mixtures is true of political mixtures also if they are meant to be truthful mixtures. But what is more, there is danger in it. A good-intentioned mixture of incompatible elements mixed up with the best of intentions will not only produce a mixture unpalatable because of the constituents interacting one against the other, but really make it a poison, and indeed as a medical man I see before me there is this risk in working this constitution when there is an unpalatable mixture and my apprehension is that it may turn out to be a poison to the democratic development of India and it is certainly a thing which I can easily envisage.

"I really do not mean anything inappropriate or unscientific 6 about the reference I made with regard to the mixture. One of our friends on the opposite benches said that we have so many differences and so many divisions that we could not talk about Federation. My view of the argument is that it is a humdrum explanation that has been given times without number. If you want to hang a man you

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have only to give a name and hang him. You can go to a Muslim and tell him 'Look here. Unless all your women come out, and throw up purdah you are not fit to have Swaraj'; you can say to a Sanatanist Brahmin 'Unless you dine with a Panchama or give your girl in marriage to his son, you cannot be fit for Swaraj.' The different communities can be assailed in that way and so many things can be brought forward to show how they are unfit not only for Swaraj but even for ordinary human existence. But that is not the sort of argument that could be appreciated in political life and it has no political value. The very fact that we are divided to-day into so many camps is just the reason, almost a potent reason, why we want this constitution to be more effective. We find the constitution as it is to-day dividing us still further and further and we want to take this opportunity of changing this constitution in such a way that these diversities shall be moulded into one indivisible whole where all the communities shall learn to think alike in all fundamental matters which make us a nation and struggle for self-realization as an independent unit in the comity of nations. That exactly is the purport of our objection to the constitution. We really could not find in that scheme the vista through which we could see that picture of unity and fusion of all those conflicts that make the Indian nation. We could not see that unity of thought, that unity of ideal and that unity of purpose which would move men, women and children that are born in this sacred land and have the privilege of calling themselves the children of the soil. It is therefore that we put up a strenuous agitation to achieve this unity that is being envisaged through this Federation. My hon. friends on the opposite benches gave us some advice. The Leader of the Opposition has been a successful administrator and has rendered great service to the country. We thank him for his advice; we want to take all that is best in us in our march forward; we thank him for his warning and we shall give the right place to it in the struggle that we are carrying on. Wisdom like that that has fallen from him and from other illustrious people like Sir Kurma Venkata Reddi who had the unique honour of occupying many positions of great responsibility in our Presidency and elsewhere is no mean thing. Let us also assure you that we are also cognisant of the responsibilities that we are shouldering in giving expression to what is after-all the truth. We will be failing in our duty to the electorate, to ourselves, to the country and to our traditions and past history if we do not, at this juncture, clearly tell the world that we, constituted as we are, cannot accept this federal scheme as is enforced upon us by the Government of India Act against our will and in spite of our warning. What we have to do later in this regard is a thing which we shall have to think about and discuss later; but we are all united in this one particular position which this resolution has taken up and which I have the honour to place before the House. The resolution is quite clear that we do not want this federal scheme. It was not as if the subject did not require an elaborate discussion that I stopped with a short

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peech. I know that there is plenty of practical wisdom in this House. know the sagacity of the representatives who are here and I know ilso the great sense of responsibility of this House. Therefore, thought that it would be enough if I merely feel my way and)rattle in my own way a few things known to me so that you, in your visdom, may give me your support and I rely on the strength of the support which you and you alone can give. I thank you. (Applause.)"

The resolution was put and carried.

III.—MESSAGE FROM THE ASSEMBLY.

* Mr. PRESIDENT:—"I have to announce the following message which I have received from the Hon. the Speaker of the Legislative Assembly:—

'In accordance with Rule 94 of the Madras Assembly Rules, I transmit a copy of the Bill to provide for the Relief of Indebted Agriculturists in the Province of Madras (L.A. Bill No. 10 of 1937) as passed by the Assembly on the 31st January 1938 and signed by me, for the concurrence of the Council.'

"Copies of the Bill to provide for the Relief of Indebted Agriculturists as passed by the Legislative Assembly will be delivered this evening at the local addresses of hon. Members."

Dr. Sir K. V. REDDI NAYUDU:—"I intend to give notice of a motion to-morrow that the consideration of the Bill be postponed for at least a week."

* Mr. PRESIDENT:—"The hon. Member may in due time give notice of the motion."

The House adjourned to meet again at 10 a.m. the next day.

IV.—PAPER LAID ON THE TABLE OF THE HOUSE.

* *G.O. No.* 2581, *Development, dated* 19*th November* 1937, *regarding certain amendments to the rules under section* 18 *of the Madras Commercial Crops Markets Act.*

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* Laid on the table on the 21st December 1937.

THE MADRAS LEGISLATIVE COUNCIL.

Tuesday, the 1st February 1938.

The House met at ten of the clock, Mr. President (THE HON. DR. U. RAMA RAO) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Status of nurses in Government hospitals and steps taken by Government to redress their various grievances.

* 33. *Q.*—MR. J. A. SALDANHA: Will the Hon. the Minister for Public Health be pleased—

(*a*) to place before the House a statement of the alleged grievances and disabilities of nurses in Government hospitals that have come to the notice of the Surgeon-General and the Government;

and to state—

(*b*) what steps the Government have taken or decided to take in order—

(i) to accord to nurses a recognized status;

(ii) to provide them with the best possible accommodation and food;

(iii) to appoint adequate staff of them;

(iv) to place the discipline of the female nursing staff in the hands of a woman nursing Superintendent in place of a medical man or woman; and

(v) to appoint a qualified nurse as Registrar of the Nursing Council in place of a member of the Surgeon-General's office?

THE HON. DR. T. S. S. RAJAN:—" (*a*) During the last one year, the nurses in the Government hospitals as a body have not made any representations either to the Surgeon-General or to the Government regarding their alleged grievances and disabilities. Complaints from individual nurses concerning their food or accommodation in any particular institution are enquired into and set right by the Surgeon-General.

" (*b*) (i) Staff nurses are members of the Madras Medical Subordinate Service (General Branch) and their status is equal to that of any member of the non-gazetted services.

(ii) Staff nurses are provided with suitable rent-free Government quarters wherever available. If Government quarters are not available in any particular institution the medical officer in

charge of such institution is empowered to lease a building to provide them with proper accommodation.

Government also give a ration allowance of Rs. 17-8-0 to every Indian nurse and Rs. 26-4-0 to every Anglo-Indian or European nurse. In a large institution, where there are several nurses, a common mess is run, the Government supplying cooking utensils and servants free of cost.

(iii) At present the scale for appointment of staff nurses is one staff nurse for every 14 beds in a Government hospital which is not a training centre for nurse pupils and one staff nurse and two pupil nurses for every 20 beds in an institution which is a training centre. Nurses are also sanctioned for special department such as X-Ray, etc.

(iv) In a hospital where there is a matron or sister, female nursing staff is under the disciplinary control of such matron or sister. In a small institution where a matron or sister is not employed the nurses are under the direct disciplinary control of the Superintendent of the hospital, who is always a senior medical officer. It is not possible to appoint a separate woman nursing Superintendent in each such institution as it would entail heavy expenditure to Government.

(v) This is a matter entirely for the Madras nurses and Midwives Council to consider."

Objection, if any, for the introduction of compulsory military training in secondary schools and colleges for boys between the ages of 16 and 21.

* 34 *Q.*—MR. M. NARAYANA RAO: Will the Hon. the Minister for Education and Legal Departments be pleased to state whether there is any legal or technical objection to the introduction of compulsory military training in all the secondary schools and colleges (whether Government or private) to boys between the ages of 16 and 21?

THE HON. DR. P. SUBBARAYAN:—"The Government, as at present advised, are not aware of any legal or technical objection but there are many practical difficulties."

Appointment of executive officer for Srikarpaganathaswami temple, Tanjore district.

* 35 *Q.*—MR. MEDAI DALAVAI KUMARASWAMI MUDALIYAR: Will the Hon. the Minister for Public Health be pleased to place on the table of this House a statement showing the following particulars regarding Srikarpaganathaswami temple at Karpaganatharkulam, Tanjore district—

(*a*) the date on which the notification came into effect;

(*b*) the date on which the executive officer was appointed and the date on which he took charge of the temple;

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(c) the salary of the executive officer;

(d) the amount of security, if any, obtained from the executive officer;

(e) whether the executive officer is authorized to correspond with he Board direct;

(f) whether the Board has corresponded with the trustees after he appointment of the executive officer and if so, on how many occasions and for which purpose; and

(g) whether the Board has corresponded with the executive officer and if so, on how many occasions?

THE HON. DR. T. S. S. RAJAN:—" (a) 24th November 1936.

" (b) The officer was appointed on 8th May 1937 and he took charge on 15th May 1937.

" (c) Rs. 100 per mensem.

" (d) The executive officer has been asked to furnish security of Rs. 500.

" (e) No specific directions have been issued. He may correspond with the Board direct.

" (f) The Board had to write to the trustees on two occasions; once when the attention of the trustees was drawn to section 40 of the Hindu Religious Endowments Act and they were informed that they would be held liable if any loss occurred to the temple in respect of the recovery of a mortgage loan due to the temple, and again when one of the trustees was asked to reimburse the temple funds spent by him in connexion with an application filed by him in the High Court of Judicature for the issue of a writ of certiorari to quash the order of the Hindu Religious Endowments Board, dated 15th August 1937, defining the powers of the executive officer.

" (g) Yes, the Board has corresponded with the executive officer on many occasions."

Retrenchment measures taken by Government in the Forest department and reduction of grazing fees.

* 36 Q.—MR. J. A. SALDANHA: Will the Hon. the Minister for Agriculture and Rural Development be pleased to refer to the debates in he Legislative Assembly printed in pages 199, *et seq.*, Volume III, nd—

(a) to place before the House a statement showing the various items f retrenchment and ways and means to increase the revenue from the orests, decided upon or contemplated by Government in the course of he next five years; and to state—

(b) whether the Government have decided to reduce grazing fees nd if so, to what extent;

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(c) whether the Government have decided to decrease the number of Conservators and Deputy and Assistant Conservators of Forests and if so, how many of each; and

(d) whether the Government have decided to reduce the travelling allowances of the officers of the Forest department and if so, to what extent?

THE HON. MR. V. I. MUNISWAMI PILLAI:—" (a) & (c) The Government have ordered that the Forest College should be closed from 1st July 1939. This will involve the abolition of two posts in the Indian and two posts in the Provincial Forest Services. The question of further retrenchment and of increasing the revenue from forests is also under consideration.

" (b) The matter is under the consideration of Government.

" (d) No such proposal is under the consideration of Government."

Scheme of the Government for the revision of land revenue system.

* 37 Q.—MR. J. A. SALDANHA: Will the Hon. the Minister for Revenue be pleased—

(a) to place before the House the Government scheme for a reconstruction of the land system and land-tax referred to in his speeches on pages 64–68 and 88–92 of the Madras Legislative Assembly debates, Volume III; and to state—

(b) what the grade basis on agricultural income will be on which the proposed tax will be levied;

(c) in what respects will this graded basis differ from the rates on a sliding scale according to *tarams* adopted in ryotwari assessment system (see pages 48–49 and 202–206 of Beaden Powells' Land Revenue and Tenure in British India);

(d) whether any agricultural incomes will be exempted from the tax and what incomes will be so exempted;

(e) whether any system will be introduced to replace the present system for ascertaining agricultural income; and

(f) whether Government contemplate legislative measures for the purpose of reconstruction of the land system and levying land revenue by a general Land Revenue Bill or Annual Finance Bill or both?

THE HON. MR. T. PRAKASAM:—" (a) *to* (f) The question is still under examination and no definite proposals have been formulated as yet. The Government are unable to say at present when their proposals will be ready for consideration."

MR. J. A. SALDANHA:—" May I ask the Hon. Minister what period it will take to formulate definite proposals? Are they taking really active and earnest steps for considering any scheme at all?"

THE HON. MR. T. PRAKASAM:—" We are very anxious to formulate a scheme and the proposals as early as possible. It is difficult to say just now the exact period."

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Report of the Marjoribanks Committee.

* 38 Q.—RAO BAHADUR N. R. SAMIAPPA MUDALIYAR: With reference to his answer to my unstarred question No. 34 (page 277 of Legislative Council Debates, dated 27th September 1937), will the Hon. the Minister for Revenue be pleased to state whether the Government have since come to any conclusion about the recommendations of the Marjoribanks Committee on the question of Land Revenue remission; if so, what it is?

THE HON. MR. T. PRAKASAM:—"The Government have still under examination the whole future Land Revenue Policy and in that connexion the recommendations of the Land Revenue Committee are being considered. The Government will announce their future policy as soon as it has been determined. The scheme of land revenue remissions for the current fasli has been announced in a Press Communiqué, dated the 16th December 1937."

Appointment of Mr. Sivasylam Pillai as Educational Officer of the Corporation of Madras.

* 39 Q.—RAO BAHADUR N. R. SAMIAPPA MUDALIYAR: Will the Hon. the Minister for Education and Legal Departments be pleased to state whether orders have been passed on the resolution, passed by the Madras Corporation, appointing Mr. Sivasylam Pillai, as Educational Officer of the Madras Corporation; if so, what they are?

THE HON. DR. P. SUBBARAYAN:—"The matter is under correspondence with the Corporation."

Report of the committee appointed to consider the rules framed under Provincial Insolvency Act.

* 40. Q.—MR. R. SRINIVASA AYYANGAR: With reference to the answer to my unstarred question No. 8, dated August 31st, 1937, will the Hon. the Minister for Courts and Prisons be pleased to state—

(a) whether the report of the Committee appointed to consider the rules framed under the Provincial Insolvency Act has been received by Government;

(b) if so, whether any and what action has been taken by Government; and

(c) whether the report or abstract thereof and the order of Government will be placed on the table?

THE HON. MR. K. RAMAN MENON:—"(a) The Committee was appointed—

(1) to examine the question relating to the method of recruitment and the conditions of service of Official Receivers in this Presidency; and

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(2) to consider what alterations are necessary in the system of work of Official Receivers, particularly in the direction of making the supervision and control now exercised by District Judges over Official Receivers more effective.

The report of the Committee has been received.

" (b) The report is under the consideration of the Government.

" (c) The question will be considered."

Recommendation for certain persons appointed to the District Educational Councils.

* 41 Q.—Rao Bahadur N. R. SAMIAPPA MUDALIYAR: With reference to the answer given to starred question No. 21 put at the meeting held on 21st December 1937, will the Hon. the Minister for Education and Legal Departments be pleased to state on whose recommendation the persons mentioned in the following serial numbers of the appendix were appointed:—

Nos. 2, 3, 4, 6, 8, 9, 13, 14, 15 and 19?

The Hon. Dr. P. SUBBARAYAN:—" The Government are unable to furnish the information as it is confidential."

UNSTARRED QUESTIONS

Conference for discussing the question of further extension of cinchona plantations.

17 Q.—Mr. J. A. SALDANHA: With reference to the answer given to a supplementary question in connexion with the answer to my question No. 26 given on 1st September 1937, will the Hon. the Minister for Agriculture and Rural Development be pleased to state what the conference referred to by the Hon. the Minister is at which the question of further extension of cinchona plantations in this presidency would be decided, when that conference has been held or will be held, and what the other points for discussion were or are to be taken up?

A.—The Cinchona Conference has not been called and it is unlikely now that such a conference will be called.

Constitution of Udipi Municipality and income derived from property and scavenging taxes.

18 Q.—Mr. J. A. SALDANHA: Will the Hon. the Minister for Local Administration be pleased to state—

(a) when the Udipi Municipality was constituted;

(b) what the extent and population of the municipality are;

(c) whether it is a fact that a large area of agricultural and waste lands is included in the municipal area;

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(*d*) if so, what the rate of tax levied on such land is;

(*e*) what was the total annual income of the Udipi Municipality in 1935–36, 1936–37 and in the half-year ending 30th September 1937;

(*f*) what the income was out of property tax and what the income derived from the agricultural and waste lands alone was in those years;

(*g*) what the income of this municipality was in the form of scavenging tax in the same years;

(*h*) what the total number of houses is within the municipal limits and how many houses enjoy the amenities of scavenging and conservancy;

(*i*) whether it is a fact that a large percentage of the scavenging tax is being utilized for street sweeping; and

(*j*) if so, under what provision of the Madras District Municipalities Act?

A.—(*a*) The Udipi Municipality was constituted on the 1st November 1935.

(*b*) Extent of the municipality is 2,432·57 acres; population is 14,833.

(*c*) The answer is in the affirmative.

(*d*) The rate of tax levied in the case of lands which are not used exclusively for or adjacent and appurtenant to buildings is four annas per half year on every 4,000 square feet or a fraction thereof with a minimum of four annas per half year.

In the case of lands used exclusively for agricultural purposes the rate of tax is 15 per cent per half year of the annual Government assessment thereon.

(*e*), (*f*) & (*g*) Figures for 1935–36 and 1936–37 are furnished below. Information is not available for the half-year ending 30th September 1937. Property tax includes land tax. No figures are available regarding the income from agricultural and waste lands only.

	1935–36.	1936–37.
	RS.	RS.
Total income (including an advance of Rs. 20,000)	21,955	23,503
Income from property tax	Nil.	15,868
Income from scavenging tax	231	2,800

(*h*) Number of houses	3,738
Number of houses with latrines	725

(*i*) & (*j*) No information is available.

Rules for safeguarding the interests of teachers in aided elementary schools.

19 *Q.*—MR. J. A. SALDANHA: With reference to the answer (b) to my starred question No. 17 given on 31st August 1937, will the Hon. the Minister for Education and Legal Departments be pleased to state whether representations have been received from teachers in aided elementary schools from districts other than Malabar pressing the urgency of making rules for safeguarding their interests?

A.—The answer is in the affirmative. Rules are under consideration.

Court-fees paid on applications for probates, letters of administration, etc., under the Indian Succession Act by various communities in certain districts and in Madras.

20 *Q.*—MR. J. A. SALDANHA: Will the Hon. the Minister for Courts and Prisons be pleased to place before the House a statement showing separately the court-fees paid on applications for probates, letters of administration and succession certificates made under the Indian Succession Act by each of the following communities in the High Court of Madras and the District Courts of South Kanara, Tinnevelly and Guntur, viz.—

(1) Indian Christians,
(2) Hindus,
(3) Muhammadans,
(4) Europeans and Anglo-Indians, and
(5) Other communities?

A.—A statement containing the information for the year ending 31st March 1937 is given in the Appendix.[a]

Average rainfall at Calicut and Mangalore for 50 years up to 1926 and for each year thereafter.

21 *Q.*—MR. J. A. SALDANHA: Will the Hon. the Minister for Agriculture and Rural Development be pleased to place before the House a statement showing the average rainfall at Calicut and Mangalore respectively during fifty years up to the year 1926 and every year since 1927 up to the year 1937 (November)?

A.—A statement [b] is attached.

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[a] Printed as Appendix I on page 239 infra.
[b] Printed as Appendix II on page 240 infra.

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Representation, if any, protesting against erection of a statue of the Muslim President of Vellore District Board.

22 Q.—MRS. MONA HENSMAN: Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether any representation was received from Muslims protesting against the erection of a statue of the Muslim President of the Vellore District Board in the premises of the board itself; and

(b) if so, what action was taken?

A.—(a) The answer is in the affirmative.

(b) The matter is under consideration.

[*Note.*—**An asterisk (*) at the commencement of a speech indicates revision by the Member.**]

II.—ELECTION OF A MEMBER TO THE MADRAS AND SOUTHERN MAHRATTA RAILWAY ADVISORY COMMITTEE.

THE HON. MR. YAKUB HASAN:—" Sir, I move—

'*that with reference to G.O. No. 55, Railway, dated 10th December 1923, this Council do recommend to the Government to communicate to the Madras and Southern Mahratta Railway, the name of one person elected by this Council to serve on their Advisory Committee for a period of two years commencing from 1st April 1938 and ending with 31st March 1940*'

" In this connexion I may mention that the representatives to be elected by the Council and the Assembly should be representatives of rural interests and the travelling public. That is the instruction given in the matter of nominating members to the Local Advisory Committee of the railway."

The motion was put and carried.

* MR. PRESIDENT:—" With reference to the motion for Election of a Member to the Advisory Committee of the Madras and Southern Mahratta Railway, it now remains for me to lay down the method by which the election is to be held. Hon. Members should hand in nominations to the Secretary before 2 p.m. to-day. If the number of candidates nominated exceeds one, an election will be held between 4 and 5 p.m. to-day. The election will be by the ordinary method and not according to the method of single transferable vote."

III.—THE MADRAS AGRICULTURISTS RELIEF BILL, 1937 (AS PASSED BY THE ASSEMBLY).

* KHAN BAHADUR SIR MAHOMED USMAN SAHIB BAHADUR:—" Sir, may I just bring one point to your notice? Several hon. Members received copies of the Bill at 8 o'clock this morning; they had no time to go through the Bill; may I ask whether it is not possible to adjourn the discussion of this Bill? I received a copy of the Bill

at 8 o'clock this morning; many hon. Members are in the same boat wit me; Mr. Narayanaswami Nayudu has not received any copy till now I do not think it is right that we should proceed with the Bill ju: now."

DR. SIR K. V. REDDI NAYUDU:—"That question may b decided by a motion for adjournment to be moved just now."

* KHAN BAHADUR SIR MAHOMED USMAN SAHIB BAHADUR:- "I am bringing a fact to the notice of the Government."

* THE HON. MR. C. RAJAGOPALACHARIAR:—"Mr. Presiden Sir, I beg to move—

> '*that the Bill* [a] *to provide for the Relief of Indebted Agriculturis in the Province of Madras (Legislative Assembly Bill No. 1 of 1937) as passed by the Legislative Assembly be taken int consideration.*'

"Before I speak on the motion, I wish to refer to the remarks th fell from the hon. Member, the Leader of the Opposition with referenc to want of time. It is certainly due that I should explain the positio in that connection, before going to the subject of the motion. Th meeting of the Council was convened with the definite object of dealin with this subject. It is not as if the subject has come upon hon. Mem bers as a surprise; it is not as if they did not know that this was th subject to be considered. The subject itself has been before the countr for about 4 months; apart from that, the Bill in its full form ha been before the country for 2 months; the Joint Select Committee' report has been before the country for a month, as also the Bill in it amended shape. Therefore the measure was fully before the countr and before hon. Members also; and this sitting was convened for thi purpose. That is also well known. The only question is whether, afte the amendments that were adopted in the Assembly, it is fair to go o with the Bill in this Council now. So far as the measure in its fina and full form is concerned, it is true that a few amendments wer adopted in the Assembly. But in the main and in substance and almos completely in form, it is as it originated from the Joint Select Com mittee. It is not as if the changes that were introduced in the Assembl were changes which fundamentally altered the character of the measure or for that matter altered it in the direction in which the Oppositio should be interested in opposing it. The changes that were introduce in the Assembly by way of amendments after the Joint Select Committe reported, and which were adopted by the Assembly are only change which go in the direction in which the Opposition may be expected t move. Sir, I must not fail to remind the House of the most importan thing to be remembered, namely, that this subject was brought befor this Council on a substantive motion for the appointment of the Join Select Committee. On that occasion the principles of the Bill wer

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a Printed as Appendix III on pages 241–256 infra.

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discussed. The whole discussion was gone through in the debate for the appointment of the Joint Select Committee, and the Committee consisted of hon. Members of this House as well as of the other House, including a substantial number of Members representing the Opposition. I may say at once that the apparent form in which the complaint is made may seem somewhat justified. There was a full debate when this House was asked to elect Members to the Joint Select Committee in which almost every Member of the Opposition sitting here, who desired to take part, took part; the Joint Select Committee sat for four days and they brought out the Bill in an amended form; it was published and it has been before the country for the last two months now. After all these things have taken place, it cannot be said that this Bill has come as a surprise and time should be given for framing amendments. After all, let me remind most of the hon. Members of this House who are more adepts in parliamentary procedure than myself, that if an amendment is carried, consequential amendments will have to be made in the light of the previous amendment. Even if amendments are given notice of beforehand, if one amendment is carried, Parliamentarians have to be alert, quick and to adapt their minds to the forms of the amendments as they emanate and are adopted. It cannot be said at every stage. something has been changed and therefore I want 24 hours notice to devise new amendments.' Hon. Members say 'we are not prepared with the amendments; the Bill was passed by the Assembly only last night; therefore we want to revise our amendments and we want time.' That is not a correct position to take up.

"I submit, Sir, that hon. Members should help the passing of this Bill with expedition. Let me speak on a different plane; is it or is it not necessary that we should do justice to this thing which is hanging, as quickly as possible? Every day is important in this matter. Sir, news, and apart from news, correct and well-founded information, comes to us every day that crops are being attached and tenants are being evicted. Something should be done in the right direction; unless the tension is relieved, things will become more and more difficult every day. That is the reason why I want to hurry; but of course it may be said, 'that is alright, you may hurry, but why so much hurry?' I submit unless we hurry at every stage, the total amount of speed cannot be achieved. That is my justification. There are many other circumstances which may not always be capable of being placed before the House. Therefore we should endeavour jointly not to lose time. In that general form I place my submission before the House. I want the co-operation of the House in saving time at every stage and in every manner. If there had been any difficulty for Members to formulate their opposition and if there had been any rush in the Select Committee's report, I should have appreciated the proposal. Not only was it published promptly, but more than full time was given to all the Members. Therefore I submit that it is with some degree of regret that I oppose the suggestion that I should put off this motion for some time longer.

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"It was stated by another hon. Member that he has given notice of a definite motion in respect of adjournment. All I have said with regard to the suggestion of Sir Mahomed Usman applies equally to the motion for adjournment. I do not know, Sir, if I can proceed and finish what I have to say with regard to the main motion itself, as to taking up the consideration of the Bill as passed by the Assembly, or whether you will be pleased to dispose of the motion for adjournment."

* MR. PRESIDENT:—"The Hon. Minister can go on."

* THE HON. MR. C. RAJAGOPALACHARIAR:—"As regards the Bill, Sir, as I have already stated, we have discussed it fully, both its general principles and its details. Anything that I say now would be merely a repetition of what I said when I moved that the appointment of the Joint Select Committee should be agreed to by this House. The matter is urgent; we have to adopt remedies and the Government of the day have proposed this measure. The question is whether this House should take up the responsibility of opposing it or materially altering it. The Government of the day and the House are agreed that the disease urgently calls for remedies: the proposals have been passed by the Legislative Assembly and it is at that stage that we are dealing with the Bill now. Therefore it is for the serious consideration of the House whether the hon. Members should take up the responsibility of altering this measure or opposing it. That is why I think my work should be easy in moving that this House should give its approbation to the Bill after consideration. The question is whether proposals by way of amendments, alterations, opposition and rejection which have to be gone through according to the Constitution, should be gone through by this Council as fully as in the Lower House. I submit that conventions, built up in countries where Second Chambers have been functioning, should be kept in mind; it is not as if every statutory right can, without any harm, be claimed and therefore it is that I urge that this Council should begin where the Assembly has left. It is not as if we should go through the whole ground. And what would happen to the Constitution if we go on in this manner, each Chamber claiming its independent and statutory right which must be provided for in full in the Law but which is left to convention and to the sense of the hon. Members for actual exercise? If each Chamber begins to go on like that, there will be no termination and there would be immediately deadlocks. I have no difficulty in envisaging that state of affairs.

"I hope, Sir, that the House would forgive me if I do not to-day go over the entire ground over which I went already. As I submitted, the House has once covered the whole ground when they appointed the Joint Select Committee. So far as the consideration of the Bill by the Select Committee went, the Leader of the Opposition was on the Committee and another leading Member of the House was on the Committee; but he was absent from the sittings of the Committee, to which fact attention was drawn in another place. But I do not think that any other Member who was present has contributed more to the Bill as it

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emerged from the Select Committee than this Member who was not present during the actual sittings of the Committee. He contributed as much, if not more than other hon. Members, to the consideration of the Bill. I submit therefore that this Bill is the joint production of this and the other House. In order to make the passage of the Bill easy and to reduce friction as much as possible, the scheme of the Joint Select Committee was conceived. I did move and obtain the assent of this House for the Joint Select Committee. That is an additional reason why I submit that we should proceed with the Bill without any postponement and dispose of it without any delay.

"There may be a feeling that the Bill has been hurried through 10-3 a.m because the total number of days taken is remarkably short and is not as long as we are generally used to; but sometimes we do more work in less time than when we take longer time. Why, sometimes? I may even say generally. We had no doubt only four days sittings in the Joint Select Committee and four days in the Assembly, but then during those four days we put in more work than we would have done in a fortnight and Members were allowed to go back to their places and come back again. I may say we were practically imprisoned in the Select Committee and in the Assembly and throughout the consideration here also we imprisoned ourselves and like jurymen we came to conclusions. Sir, it is a paradox, but true, we do more work when we have less time than when we have more time. All these four days at the rate of eight hours per day we worked; eight hours per day is a short time no doubt, but during those eight hours, I may tell the House, we put in more work than we could have done in 24 hours spread over four days or six days. A little bee-hive is full of activity; a Government department is much bigger than a bee-hive, but a bee-hive contains more activity than a Government department; and that is the analogy I would put before the House in order to show that there has been no rush, there has been any amount of work done, not only work, but consideration, anxious consideration and also plenty of attention and brain energy given to the consideration of every line, every word and every proposal of the Bill. Let nobody imagine from mere mathematical calculations and considerations that we have hurried through and have not given enough time for consideration. Suppose, we adjourn for a week; what is simply going to happen is, we are going to go back and come again and then a process of leisurely approach to the subject will be gone through by individual gentlemen meeting one another over tea, dinner and so on; and I do not think that should be preferred to actually going through it now and working hard at it.

"The Bill deals with the difficulty in a particular manner, drastic though it may appear to be. Let me briefly explain the maximum drastic procedure that we adopt in the Bill. It is in fact, after examination of the situation generally that this is proposed. In most cases it would amount to debtors in respect of very old debts are absolved by giving only the principal. It may be said, 'how can you go behind the

contract in respect of renewals and documents?' All that is true. I know and hon. Members should know that all the evidence is more in the possession of the creditor than in that of the debtor; all the documents, all the receipts entered on the documents, are in the possession of the creditor generally and mostly, and not in the possession of the debtor. So, I know and friends have told me. It has been said, 'you have the *damdupat* and what are you going to do with it?' I know it. I am not ignorant of it and I repeat that generally the creditor is going to lose only accumulated interest which is due to him according to the bond. But only the principal will be due and will be taken, very probably, by issuing distraint and distress and not by any other easy process. This is the maximum drastic cut that has been brought to bear upon the old debts.

"As to the new debts, let me briefly also explain the position. The principal which was sought to be reduced by overpayment of interest according to the standard to be adopted, has been saved. The principal is saved intact; here also interest alone is reduced, not to nil, but to 5 per cent from the date of the document. This is with respect to new debts. Then the date was fixed at the instance of a leading Member of this House with reference to later debts. A controversy was started as to where a line was to be drawn, but that controversy has been lulled, thanks to the good-sense of people on both sides. It is impossible to draw a line and it is not so important whether it is drawn in 1931 or 1932 or 1931½. The utmost penalty that is inflicted on the creditor is that he loses the difference between the rate provided in the document and the 5 per cent. That is not more than what any creditor will agree to when cash is given. The law does it for the creditor. I submit that this cannot be called by any means drastic. Whether it affects the agriculturist, landlord or tenant, the entire question was fully discussed at the meeting of the Council when the Members of the Joint Select Committee were appointed, and if I may say so, discussed very fully. The only material change which the Select Committee made was this; that apart from the condition that the write-off of arrears should be in proportion to the payment of dues for faslis 1347 and 1346, an additional condition was imposed by the Select Committee, that full payment for fasli 1347 should precede any consideration whatsoever of the application of this measure, so that it is an advance in the direction in which probably a conservative opposition would like to move in dealing with this Bill. This is what the Joint Select Committee did and this is the most important thing with reference to the Joint Select Committee's report.

"Then, let us see what else was done. It may not be very material, but it is important I should say, that whatever costs were incurred in court in obtaining decrees have also been saved; the land-cess paid has been saved; water-cess that has been paid has been saved; so that on the whole the movement has been in the direction of conservative safeguarding and protection of the interests of the creditors rather than extending the privileges in any foolhardy manner in regard to those who stand in need of it.

"Against these, what are the principal objections? The principal objections are these. They say, 'where is the justice when you say that he who has got is saved by your Act and he who has not got and who probably was over-kind and generous, is punished?' Assuming it to be so, he who has been generous and kind should continue to be such and abstain from putting the debtor into court. 'Where is justice?' you may ask. True, Sir. I plead guilty to the charge of not having weighed in the scales of justice all past transactions, positive and negative. I say it is impossible. I plead that it cannot be done. We cannot re-assemble the dates of the almanac or turn over the calendar; we cannot re-enact past transactions by any means to satisfy the standards of justice, and even if we had a most scientific time-table of years and the months that have passed away, we cannot re-assemble the affairs of human beings. Some persons might have received amounts and have spent them because you did not tell them you would punish them by means of a Debt Relief Bill. Where is the justice in putting all men on an equal imaginary or theoretical basis. What is justice and what is not justice? I emphatically say, it is not possible for human beings, even though they may be Members of the Madras Legislative Council, to re-assemble the past by proposing amendments. Of course some person may say, 'I sent my boy to London for which I borrowed money here; I repaid it and borrowed again at 5 or 6 per cent. Are you going to cut off the difference in interest?' It is no use trying to re-assemble the past, as I have repeatedly stated before, because it is like the vain attempt at second-hand parts being fitted in so as to make a new machine. It is worse than that in the case of human affairs because it is far more delicate. It is like trying to fit in an old screw to a new groove or a new piston into an old cylinder. All these things won't work. Therefore, it is better to wipe the slate and begin anew and that is my plea for not trying to be moderately just in regard to this matter.

"Then another line of argument and criticism is this: 'All right, you are trying to do good to A; but what about B, who suffers, and what about C who suffers even more than B? Before trying to do good to A, you should also see that B and C are also treated in the same manner.' That is the position that can be put forward by the Opposition in their sympathy for people who are not covered by the Bill. I plead guilty. I say, yes. I have not done anything for the agricultural labourer. I know there are these cases also. Yet again, there are classes A to Z who depend upon the agricultural labourer; and there are many more such cases and it is not as if I am oblivious.. We cannot, even if we wish to, deal with all these cases by one stroke or even with one Bill. I admit, much has been done for the industrial labourer and much has also to be done for the agricultural labourer, for the wife of the agricultural labourer and for his children and dependents, but I think all this cannot be done in one Bill; it won't fit into the form. You cannot put a sweetmeat and a boulder into your pocket; one is too big while the other can be put in. You will have to examine the conditions and problems relating to the various strata

of society and deal with them separately. Therefore any proposition or argument in respect of the classes not covered by this Bill is not a criticism that can be made by means of amendment except it be by way of opposition. It is no criticism to say 'do not do anything because you have not done the same thing before' or 'other people have not tried it before.' Government has taken the responsibility of doing something for cutting across the difficulty somewhere and so let us examine this and do it and after doing it, let us do something more if found necessary. That should be the attitude. I submit, therefore, that this House should co-operate with the other House and take the measure at once into consideration."

)-45 .m. DR. SIR K. V. REDDI NAYUDU :—" Sir, I rise to move the amendment standing in my name. Before doing so, I may, by way of a preliminary remark, submit to the House that so far as the remarks that have fallen from the Premier to-day are concerned, they are matters which will have to be gone into when any amendment is discussed in this House during the third reading stage of the Bill, when he moves that the Bill be passed into law. Sir, I move—

> '*that the consideration of the Bill be adjourned to this day next week.*'

" Before I state the reasons why I ask for this adjournment, I may be permitted to say that I am rather surprised at the procedure adopted in bringing forward the amendment even before the Hon. the Premier has moved for the consideration of the Bill. I do not know what the object of it is. Honestly I cannot understand it. But if it is intended to elicit from the Prime Minister some remarks relating to his own attitude towards the question of adjournment, I submit that this hon. House will not prejudge the case without hearing the complainant. The idea that would naturally occur to any one is that once the Prime Minister commits himself to the refusal of an adjournment there would be the danger of the House not listening with care or attention to what may fall from one who is pleading for that adjournment. I do not wish to impute any motives but all I wish to say is that I want to guard against the prejudging of my case. These are the remarks that I wish to make with reference to what has just transpired in the House.

" Coming to the motion for the adjournment of the discussion, you are aware, Sir, and the whole House is aware that the Bill was passed in the Legislative Assembly at about 5-30 p.m. yesterday and we did receive, and you announced that you had received, a communication from the Speaker of that House that the subject would be placed before the House to-day. But of course you would not have expected consideration of the Bill without our receiving a copy of it; and we did receive copies of it. When? At midnight when I was in bed, the bell rang at my house. I woke up fearing that some urgent telegram had come from somewhere; I myself opened the door and to my surprise I found two men from the Secretary's office bringing these welcome copies of the Bill. (An hon. Member: 'I received it only at 7-30 p.m.

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this morning.') This Bill at the time when it was discussed in this House contained only 22 clauses. Evidently 6 clauses might have been added to the Bill—I speak subject to correction because I have not been able to go through the Bill and find out what changes have been made. Some of us no doubt followed the discussions of the Select Committee and the Hon. Premier was perfectly justified in saying that the Bill has been before the country for some time and that the report of the Select Committee and the copy of the Bill as amended by it were communicated to us, with this difference, namely, that the copies of the Bill as amended by the Select Committee contained a distinctive form of printing, the clarendon type, which indicated the changes effected by the Select Committee. It was of great help to us as it showed the additions made by it as well as the omissions; and we were able to follow the changes made till then. But in the Bill that I received last night that help was not available and we could not find out what changes the Assembly had made in the Bill as amended by the Select Committee. The result was that I had to refer not only to the original Bill but also to the one as it emerged from the Select Committee and had to compare and find out the changes made by the Assembly and to see the differences between the one and the other and the third. It should be admitted that this requires some time. The newspapars announced several amendments to be moved by the Hon. Premier himself. In fact a friend of the Assembly gave me a copy of the amendments suggested by the Government. I honestly confess that I do not know whether all of them have been moved or whether only some of them were moved; and of course when once they are moved, nobody is in doubt as to its outcome; but the difficulty is as to how many of them had been moved. It is not that I do not refer to the newspapers. I should explain to the House that it is rather a novel thing to expect us to depend upon newspaper reports and be, on that strength, prepared for discussions in the Legislative Council for the reason that the newspaper reports are not binding upon the Government or upon the House. Though our newspapers are conducted in a very efficient and excellent manner, occasions have not been unknown when errors creep into them, whether it be on account of the printer's devil or the carelessness of the reporters. Such occasions did arise where we found that the reports in the newspapers were not exactly what took place. Even the speeches of the Premier have occasionally not been correctly and fully reported. So that it cannot be said that we can depend upon newspaper reports and the Hon. the Premier himself has told us just now that even one or two private amendments have been accepted."

THE HON. MR. C. RAJAGOPALACHARIAR:—"Some amendments were accepted; but I did not refer to that at all."

DR. SIR K. V. REDDI NAYUDU:—"Anyhow, my point is there that the amendments have been moved by private members—it may be one or two, but that does not in the least matter. We do not know what

those amendments are and what the consequences of those are, whether they are vital amendments or whether their acceptance will effect an important change in the Bill. Having said that, I would refer to Rule 104 of the Rules of this Council. The Rule reads thus:

> 'At any time after copies have been laid on the table in the case of a Government Bill, any member . . . may give notice of his intention to move that the Bill be taken into consideration.'

This states that three days' notice should have been given to us before the item of business is set down for a particular day. Another rule states when the motion is to be made and Rule 103 states as follows:—

> 'Unless the President otherwise directs, no such motion shall be set down in the list of business for any day which is less than three days from the receipt of notice.'

The copies of the Bill have been laid on the table of the House only at 10 o'clock this morning. That is the one thing to be taken into account. The other rule is clear that no such motion can be set down in the list of business save on a day which is not less than three days from the receipt of the notice. The object of the rule is not merely to facilitate work in the Secretary's office for the issue of amendments to the Bill notice of which had been received, for the information of members of this House but also to enable members of this House to study the Bill and to give notice of amendments which they propose to move. There are one or two remarks made by the Premier which I am not sure if I understood correctly. But I am interpreting them in the light of what actually occurred in this House before and in that I believe members will bear me out and the Hon. the Premier himself will bear me out. He was telling the House that this was a revising Chamber and that it was not necessary for us to go through the whole Bill clause by clause or something to that effect. As I said, it was not clear to me but I have this fear in my mind, namely, that this House is being treated as a mere revising Chamber. I submit that this Chamber has its own independent and plenary powers. Bills can be introduced here and sent to the other House and I for one crave your indulgence and your protection that the rights and privileges of this House ought not in any way to be minimised or reduced either for convenience or for other reasons.

"Having said that, Mr. President, I may proceed to other reasons which I wish to place before the House. In referring to those things, I may probably be traversing the ground which is intended for the discussion of the measure at the third reading stage. Still I would only mention them so far as they apply to the present case. That the Bill is a very important one cannot be denied. The agitation and perturbation which has been caused in the public mind during the last four months is not a secret matter. Newspaper offices have been flooded with communications all of which could not be published for want of space. Responsible men who have no axes to grind found it their duty as

public men to come to the press and to put what they felt in as forcible a language as they could about the dangers which are inherent in this measure.

"There again, Sir, I will not dwell at length on that ground. I will come to it again when the proper time comes. But the fact cannot be denied that throughout the whole presidency from Vizagapatam to Tinnevelly and Kanara, the public mind has been agitated in a manner and to a degree which was never before known in this province either in this Council or in any previous Council. I have myself received hundreds of memorials not to speak of scores of letters and telegrams from people pouring forth their grievance. When that is the case with a humble person like myself, what must have been the number which the Hon. the Prime Minister must have received? I have placed in the hands of our Secretary yesterday, a number of petitions which I shall place before you and before the House in accordance with the rules contained therein. That will give us some idea of the importance of the subject. The Hon. the Premier was telling us that time was of the very essence and was very important, that some execution proceedings were going on, some distraint proceedings were going on and so forth. Well, Sir, I for my part have not the slightest objection that such proceedings should be stopped. But under the guise of that to say that the rights and privileges of the House should be curtailed or that full opportunity should not be given to the members of this House to consider carefully the Bill as it emerged from the Assembly does not seem to me, Sir, to be fair or reasonable. If the agitation that is reflected in the newspapers has any relation to the truthfulness, the sincerity and the earnestness and the interests of these people who have gone to the press for help then, Sir, it means that several families stand to be ruined. Is that not a consideration at least for giving us a few days time so that we may do our best in spite of the fact that the Bill was handed over to us just a few hours' ago. I do not think, Sir, that even the Hon. the Premier will consider it to be sufficient time, even a genius like himself who can single-handed, carry on the debate in the Lower House and in the Select Committee. I do not know, but if my information is correct, he himself without even sending for the law officers could prepare clauses. The House has well known his legal knowledge. To him it may be possible. But to credit every one of us with the same kind of genius and ability, Sir, is asking for too much. I was speaking with reference to the observation of the Prime Minister that time is very essential and that time is very important. But, Sir, it is as important to the people on this side of the House as to the Members on the other side of the House. We want to know exactly where we stand. We want to know the consequences of the amendments that have been made. The amendments may be small. They might not have taken much time to be carried, either in the Select Committee or in the Assembly. I beg to submit it is different in the case of this House. The Prime Minister

11 a.m.

was also telling us that the opposition had been represented very well in the Select Committee and that it had considered everything. It would be interesting to know, Sir, how many amendments were moved by the opposition members, in the Select Committee and how many of them were thrown out or accepted. It would be interesting to know for this reason, that we know what has been done for us in the Select Committee. I know the proceedings of the Select Committee are confidential. But, if we are to be taken into confidence in that matter and we are told that such and such amendments have been moved and have been considered, it might be that the amendments that some of us might be inclined to give notice of will be dropped. Without knowing them and without knowing in fact what happened exactly in the other place, would it be possible for us to accept the Bill wholesale without applying our minds to the various clauses that are contained in it. Now, Sir, the Bill provides the time for the relief as well as for the future payments. Both in the case of debtors and in the case of the tenants of the zamindars the time has been fixed beyond which no interest need be collected or the arrears will be wiped out. The time has been fixed in the Bill for non-collection of rent for certain faslis and the collection of rents only for the remaining faslis. The time has been fixed in the Bill directing that these facilities or reliefs would be available only to those tenants who pay their rents of particular faslis within a particular time. Sir, a week's time will not disturb those periods in the least. It is therefore very difficult for me to understand why time should be considered the essence of this legislation. I understood the urgency in the case of the Prohibition Bill. The Hon. the Prime Minister asked us then to go through it immediately because he wanted to introduce it in a particular place on a particular day. That day was not far off from the date when we were discussing the Bill. We never asked for time, even though, some of us did feel then that the time at our disposal was not sufficient for the purpose of considering the provisions of the Bill. I have placed before you the difficulties that I feel in the matter of understanding the provisions of this Bill, the lack of time at my disposal, the difficulty in comparing these three Bills, the absence of italics or thick printing enhancing the difficulty of our task of co-ordinating and placing side by side the clauses to see what exactly the difference that it now makes. I have already referred you, Sir, to rule 104. That rule gives the right and privilege to this House, and you as protector of the privileges of this House will have to guard it. It is needless for me, Mr. President, to cite the instance that happened in another province recently where the Government wanted to rush the Bill through. The President stood by the Council and whatever inconvenience it might cost to the Government, he, as President of the House, stood there to protect the rights of the House and he did protect them by refusing to take up that subject. May I appeal to you, Sir, to exercise the same right?"

RAO BAHADUR M. RAMAN:—"I second it."

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* MR. PRESIDENT:—" I may inform the House that the Bill came here at about 9-30 p.m. and by 11 o'clock I had the Bill circulated.

" As regards the three amendments that have been received, I would suggest that they may be discussed together. If necessary, separate vote may be taken on each."

RAO BAHADUR M. RAMAKRISHNA REDDI:—" I beg to move the resolution that stands in my name."

* MR. PRESIDENT:—" It is not a resolution; it is an amendment."

RAO BAHADUR M. RAMAKRISHNA REDDI:—" I have no objection to treat it as an amendment."

* MR. PRESIDENT:—" It is an amendment. It is not a question of treating it as such."

RAO BAHADUR M. RAMAKRISHNA REDDI:—" I move—

' *that the consideration of the Bill be adjourned to Friday the 4th February* 1938.'

" Mr. President, I have tabled this motion just to get some time to study the Bill at leisure so that we can send suitable amendments. Mr. President, as my hon. Friend Sir K. V. Reddi has just now said, some members of the House have received the copies only at 7 o'clock this morning and some have not received till now. This renders us unfit to do full justice now to the subject before us. We are told by politicians that second chambers are generally established to check hasty legislation. I am obliged to say that this hon. House is only helping hasty legislation and the way in which the other Bills such as the Prohibition Bill have been passed bears eloquent testimony to my statement. Mr. President, I may assure my friend Mr. C. Rajagopalachariar that we are nothing when compared to his high intellectual attainments and great oratorical powers. It is admitted on all hands that he is a born genius. But we as practical agriculturists cannot do full justice in a short time as now. I only request the Premier to take into consideration our abilities and experience in this work and give us some sufficient time to study the Bill in detail. After all our amendments may not be carried out since we are only in a minority. It is true. But we have to satisfy the dictates and demands of our conscience and have the consciousness of having done full justice to the constituencies which we are representing. It was said by our Premier: ' that no more time should be given,' perhaps he thinks that the effects would not be very effective. I may assure you that after all we are taking only three days' time and that coupled with the fact of our inability to understand the subject as the copies of the Bill were received just to-day, we have to plead incapacity to follow the Bill. It is but fair to accept our proposal and give us time to study the Bill carefully. I may also inform the House that it is said that the chief aim of the State is to give maximum happiness to the largest number.

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11-15 a.m. "I may immediately inform the House that this Bill is just doing the reverse, as far as that principle is concerned. This Bill puts one class against another. Even the agriculturist in whose interest this Bill is sought to be passed, will suffer unless the Government give him sufficient credit facilities; otherwise the agriculturist will become unfit to get credit from his neighbours or others. He may even go out of existence altogether in the long run in the struggle for existence. It is just and fair that I should give free expression to what I feel on the subject. Unless we are given some more time, we will not be able to do any justice to the Bill. I move this amendment. As my hon. Friend has already given the reasons and stated the circumstances under which we have to move these motions, I do not wish to speak further on the subject except to request the Hon. the Premier to give us time and to accept my amendment to postpone the consideration of the Bill for three days at least, so that we can study the Bill."

DIWAN BAHADUR R. SRINIVASAN:—"I second it."

KHAN BAHADUR SIR MAHOMED USMAN SAHIB BAHADUR:—"Sir, I move the amendment I have given notice of, and that is—

'*that the consideration of the Bill be adjourned to* 11 *a.m. to-morrow.*'

"Of the three motions, my motion is the least objectionable from the point of view of the Hon. the Premier. The reason why I move this motion is this; as I have already informed the House, most of the Members of the House received copies of the Bill as passed by the Legislative Assembly only at about 8 o'clock this morning; we have to be here at 10 a.m. and we have had no time to give notice of amendments. Hon. Members should be given time to give notice of their amendments. It is for this purpose that I move my amendment and I hope it will be accepted."

RAO BAHADUR N. R. SAMIAPPA MUDALIAR:—"I second it."

THE RT. HON. V. S. SRINIVASA SASTRI:—"Mr. President, I rise to add my voice to the pleadings that have been heard from several friends on this side of the House. I request the Prime Minister to pay due consideration to the arguments that have been advanced. I do not believe, Mr. President, that the pleas for delay are disguised tactics for dilatory procedure. I, for one, would not support the motion if I believe that it will merely be putting a spoke in the wheel of the Government's operations. But I think, Sir, that this House has not had sufficient time to find out what was done in the other House. We do not get the official reports so quickly here as in other countries. We have to wait for a day or two to find out precisely what arguments were advanced at the stage of the debate in the other House. It is not fair to ask us to proceed on the bare text of the Bill and to get as much information as we can from such reports as the newspaper press might have published. We should like to know precisely what was said on a given topic.

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"Moreover, Sir, the Prime Minister asked us to follow the practice of countries where democratic institutions are working. I have no objection whatever to take up his challenge. Would he be good enough to tell the House whether he knows of reliable instances where the Leader of the Opposition pleaded for a little time and was refused? Mr. President, it is inconceivable that in the British House of Commons, if the Leader of the Opposition and leading men on the other side did ask for a little time to consider matters, the Government would venture to say 'no' to them. The Hon. the Prime Minister has some notions about the position of this House relatively however. Will he tell us what he thinks precisely of the functions of this House and the way we ought to exercise them? We would be very much obliged to him for that exposition. If it had been made without reference to the hurry in which he seems to be, it would have commanded greater attention from this side of the House. But, at the same time, Mr. President, this House is an accredited arm of the Legislature of this Province and it must be allowed to exercise its functions to the full. He said that, if we exercised our full privileges, if we acted exactly as we ought to act—which no doubt cannot be restricted and which would be constitutional—it would not be in the interest of quick despatch of the proceedings of the Legislature; it would impede, it would obstruct and it would stand in the way of expeditious management of public affairs entrusted to the care of the Government. Mr. President, I must most emphatically protest against the position assigned to this House. It seems to me that we must have full freedom to exercise those powers which we consider the interests of the public require. The Hon. the Prime Minister may have one view of the interests of the public; I think we are entitled to differ from him in that matter and I question his right to tell us what view we should take of the interest of the public. Mr. President, if we are to be restrained and moderate in the exercise of our powers, may I make a similar appeal to the other side of the House? Of course, we ought to be moderate in the exercise of our powers; we have today taken upon ourselves the exercise of those powers; we have not yet shown the Hon. the Prime Minister how we would exercise them; we have shown no signs, we have given him no material for judging the way in which we would exercise our powers. This Bill might have been in the hands of the public and of this House for some time past. How has the Hon. the Prime Minister exercised his powers in the conduct of this measure? In a way which fills us with apprehension that we shall not have the time and the latitude that we must be allowed to do justice to this important measure. In dealing with this proposition, we just ask him for time and no more, not as he has played with the amendments that were proposed in the other place and borne down with his majority. We are asking for mercy at his hands and for time for consideration of the Bill. He has a majority and he can tell us, 'you must proceed to-day and finish the consideration of the Bill by 9 o'clock this night.' It is not nice on his part to

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do so. I plead with sufficient material and with data, for treating with consideration. He has very little material to ask us to exerc our powers moderately; we have not exercised our powers at all.

"Only one more observation. The Hon. the Prime Minister bef going into the substance of the Bill, was saying some words in anti pation of some amendments that are put on the paper, being move He spoke in general terms. I may be allowed also to speak in gener terms. He said that, if this House is going to open the whole fie of the subject-matter and asks for other provisions and other saf guards than are dealt with in this Bill, it would indeed prolong th consideration of this Bill to an intolerable period. But what did h say in advancing this proposition? He said, Sir, he knows there ar great difficulties; he knows there are great injustices; he knows ther are a whole class of people untouched by this Bill who deserve his con sideration and who deserve to get the benefits of this Bill, he instance the dependents upon agriculturists, wives of agriculturists, childre dependent upon these agriculturists and those other and more remot dependents who are in one way or other, directly or indirectly unde the support of the agriculturists. It is an argument which does no bear on it, if I may say so, the impress of sincerity. He said he knew the difficulties of other people and if there was time, he would conside these matters also; he asked us to wait or to allow those consideration to remain until it pleases him to take them up. When that was so in what spirit did he ask us not to extend the scope of the Bill to a region where no law can be extended to a region which is beyond the scheme that is under contemplation? Is he going to deal with the children and the dependents of the agriculturists and with their remote cousins who may be in this world? He should not have extended his argument to that dangerous point. When we plead for extension of time, the Hon. the Premier thinks that we want to give the benefits of the Bill to those who cannot be reached under the law. I do not think we have given him any cause for thinking so from any amendments on the paper, or for thinking that we are asking for illegitimate and impossible extension of the provisions of the Bill. It is because that was implied in the speech of the Hon. Premier, that I have ventured at this early stage to draw the attention of the House to the matter.

"Now, Mr. President, one word more; just one word. I believe it is rather risky on my part to do so. But, I may plead, Sir, and I just plead, for your interposing your authority and by virtue of your general powers for your protecting the privileges of the members of this House; as well I plead with the Hon. the Premier also and say
-30 that it would not be fair not to give us the time that we ask. I can
m. just conceive of your interposing your authority and by virtue of your general power, Sir, to protect the privileges and rights of Members of this House, and it is but fair to give us the time that we ask."

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* THE HON. MR. C. RAJAGOPALACHARIAR:—" Mr. President, I am very grateful, especially to the last speaker and let him not imagine that I have not appreciated the spirit in which he has offered his remarks. I plead with him again because he has been somewhat unjust to me and it is impossible for me to deal with the other speakers before I deal with him. He referred particularly to the manner in which I handled one part of my arguments, with reference to the agricultural labourers and others. I would plead with him to remember that after dealing with the broad principles and criticisms that have been made with reference to the principles propounded in this Bill I then proceeded to the objections raised. One principal objection raised was that we have not included in this Bill the case of the agriculturist labourers. Actually an amendment was tabled and dealt with exactly in this manner in the other House also. Two different kinds of action have to be taken with reference to two different subjects. One of those taken up in this Bill is with reference to the agriculturists who have got vested interests in the land, however small it may be and which can be sold, and the other is in respect of the difficulties of people who have no vested interests in the land but who worked and raised crops. An hon. Member of the other House raised objection and put forward an amendment for including the agricultural labourers also into certain clauses. I said the same thing then that the two operations have to be different. I repeat the same thing here and it is entirely unjust of the hon. Member to imagine that I dealt with the question in an insincere manner. . ."

THE RT. HON. MR. V. S. SRINIVASA SASTRI:—" On a matter of personal explanation, Mr President. I expressly referred to the inclusion of the women and the children and the remote dependents of these agriculturists and I was not referring to the fact that he is not going to deal with them for any length of time. I say that still. He described this measure as though it may not include in that category women, children and other dependents of the agriculturist. That is my objection."

THE HON. MR. C. RAJAGOPALACHARIAR:—" This only justifies the line I have taken just now. I submit that he is again on the wrong track. I want him to understand that it is not correct. That certain classes of people are not included is not a valid objection to proceeding with this Bill. Even when I referred to the women and children, I was serious. I maintain we must provide for the wives and children. I maintain that there are a large number of people in the villages whose women and children are worse of than the agricultural labourers and whose families we should look after if we wished to help the village and the countryside. We should help them in their squalor. That is one reason for the Prohibition law to which I have pledged myself. It was the case of helping the women and children as against their fathers and I want my hon. Friend not to despair that they could never be touched by law. I am perfectly aware that there are many methods by which reform could be achieved and that those

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methods and directions could not be one single Bill. Therefore, it is not an objection for wanting more time to deal with this matter. But we should deal with what we have undertaken. Therefore, I plead against loss of time and if I do not carry conviction with this explanation, I must leave it to the House and there is no need for further debate. I maintain that there are *lacunæ* in social reform if this Bill is interpreted in that way and these *lacunæ* cannot be filled up by any process of improvement of this Bill, but the improvement can be undertaken by another independent piece of legislation. It cannot therefore be undertaken now and this cannot therefore be a reason that can be advanced against the consideration of this Bill.

' Then, Sir, it was said that when the Leader of the Opposition asks for time it is inconceivable that the Mover of the Bill should refuse it on behalf of the Government. Quite true. But may I plead with him—may be that he may furnish me with precedents—to say whether the Leader of the Opposition in the House of Lords ever pleaded for time in that manner? I am not aware of any. All that I wish to say is—and I hope the Leaders of the various groups and the Leader of the Opposition will understand—that I mean no discourtesy in this matter. It is not as if I do not consider their opposition and their requests with due weight but only I plead with them that on this occasion they should not raise such objections, because if I am right they should sympathize with me. It was said that nothing terrible would happen if we gave time. I wish to refer hon. Members to the fact that the time and the dates fixed in the Bill do not protect the tenants from having their crops attached to-day; and it is going on for four months because this measure has been introduced. Let me be understood and my motives be understood. Even if this Bill is rejected, let it be that I have failed to help them; but it should not be that I helped the destruction of standing crops and harvests because I have introduced this Bill. That is why I am in a hurry. I know crops are being attached and that is why I do not yield to such requests. I am not able to help them because there is no moratorium and there is no provision which could prevent landholders from attaching lands. Therefore, when we deal with particular matters of this kind, particular difficulties have to be faced. Of course it may be said it won't be hung up for long and for that my answer is only this—if this day is lost, many more days will be lost and I do not wish to be a party to that. That is why I am opposing the adjournment, not because I am opposed to the amendment or the substance of the amendment. It was pleaded, Sir, that no Member of this House could understand or know the points that were urged or the reasons given against them in the other House. That is hardly the reason as far as I can see for claiming adjournment. If they wished to hear the debate on the Bill in the other House, they should have been present there. It is not possible by any procedure of adjournment that one can understand what was urged and what was said in reply in the other House. The right to claim adjournment can only be this, that the motion before the House deals with certain points and that the

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Bill has not been published and so sufficient time was not given for its consideration. With regard to that, I can only submit that the rule that was referred to, namely, rule 104, says that three days' notice can be claimed if they want any particular item on the agenda to be considered. As far as I can understand, this subject, namely, that I wished to move that the Bill to provide for the relief of indebted agriculturists as passed by the Legislative Assembly be taken into consideration, was notified in the agenda which was sent to the residence of hon. Members here and in the mufassal about a week ago and so there was enough time and more than that. Sir, when the Hon. Leader of the House moved for the appointment of the Select Committee, the programme of dates was made perfectly clear and that is the reason why this House was summoned for yesterday and the other House was summoned for the 27th January. This programme and the dates which were fixed in consultation with the Government were notified to Members in time and the subject too was announced in time.

"Then in regard to the italics or bold types used in printing the Bill about which complaint was made, I can only explain this way. When a Bill is in the course of being passed in the House, it is open to the Secretariat to print in a particular manner, but when once a Bill is finally passed by the House it is not open to the Secretariat to make any difference in the types employed therein. Because certain changes have been made by the Select Committee, it was ordered that the changes made by them should be indicated in bold types. Of course, it would have been improper for the Secretariat to persist in making that difference after the Bill is passed by the House, though of course it would have helped hon. Members to know the changes made. I do not also believe in the lesser capacity of hon. Members to follow things, though of course they were very courteous in the form in which the remark was made; and I was somewhat embarrassed at that, but I do not wish to refer to that embarrassment here. But, I say it is not so difficult as it was pointed out to be or so bad as they claim it to be. When the Bill is proceeded with clause by clause we shall see how it is going to be dealt with both by the older as well as younger Members in a perfectly able manner. So, there is no use in telling me even by way of flattery that Members of this House cannot command my ability. On the other hand many of them are superior to me in their experience of handling the subject, and in fact the previous speeches on this motion for adjournment have shown that I am far inferior to them, so that I am not likely to score any advantage in this House in that manner. It was also said that by the weight of my majority I bore opposition down in the other House and it was in fact what the Rt. Hon. Sastri said. That was the unkindest cut of all. I wish the Rt. Hon. Sastri had been present in the Assembly instead of making this remark here and he would have seen that there was no reason whatsoever for the statement he made just now. I do not think any Member of the Opposition would say what he said, that I bore down with the weight of

majority any amendment or opposition that was made. Of course, newspapers are not big enough in size to print all that had happened 15 in the House. Newspaper reporting must have misled the hon. Member who made the charge. There was no bearing down. The whole time of the House was taken up by Members of the Opposition and every motion was thoroughly discussed as if the whole House was sitting in Committee. This Bill was not passed in the other House in a hurry but as if the Bill went through a Committee of the whole House. There was a full and clear discussion in that House in which almost all the Members of the Opposition participated. It is therefore unjust to say that the Members of the party were used to bearing down the opposition and I do not think that many Members of the other House would differ from me in that. It was rather unkind to have said so; but I think it was something the speakers themselves did not know but only gathered from reports. Be that as it may, Sir, I submit that the Bill may be proceeded with. I am sorry I cannot accept the motion for the adjournment of the consideration of the Bill."

* MR. PRESIDENT:—" As the Hon. the Premier stated, the Bill has been before the public for a considerable time. The Hon. Dr. Rajan, while speaking on the constitution of the Joint Select Committee on this Bill on the 21st of last month, indicated that the report stage of the Bill would be taken up during the present meeting of the Council. The agenda containing the Bill as one of its items was sent to Members on the 25th of last month. For these reasons, I thought fit not to insist on the period of notice ordinarily required under the Council Rules.

" The question is that the Bill to provide for the Relief of Indebted Agriculturists in the Province of Madras (Legislative Assembly Bill No. 10 of 1937) as passed by the Legislative Assembly he taken into consideration, since which three amendments have been moved:—

' (1) by Dr. Sir K. V. Reddi Nayudu, *that the consideration of the Bill be adjourned to this day next week*: '

' (2) by Rao Bahadur M. Ramakrishna Reddi, *that the consideration of the Bill be adjourned to Friday, the 4th February; and*

' (3) by Sir Mahomed Usman Sahib, *that the consideration of the Bill be adjourned to 11 a.m. tomorrow*.'

" I will put the amendments one by one to the vote of the House."

Dr. Sir K. V. Reddi Nayudu's amendment was put and declared lost. On a poll being demanded, the House divided thus:

Ayes.

1 Mr. J. A. Saldanha.
2 Rao Bahadur M. Raman.
3 Dr. Sir K. V. Reddi Nayudu.
4 Mrs. Mona Hensman.
5 Mr. S. J. Gonsalves.
6 Rao Bahadur M. Ramakrishna Reddi.
7 Munshi Abdul Wahab.
8 Mr. B. Narayanaswami Nayudu.
9 Rt. Hon'ble V. S. Srinivasa Sastri.

Ayes—cont.

10 Khan Bahadur T. M. Moidoo Sahib Bahadur.
11 Diwan Bahadur R. Srinivasan.
12 Rao Bahadur N. R. Samiappa Mudaliyar.
13 Sir Mahomed Usman Sahib.
14 Mr. P. Peddi Raju.
15 Syed Abdul Wahab Bukhari.
16 C. P. Mammoo Keyi Sahib Bahadur.
17 Mr. S. K. Ahmed Meeran.

Noes.

1 Khan Bahadur Hameed Sultan Maracair.
2 Mr. T. C. Srinivasa Ayyangar.
3 ,, T. A. Ramalingam Chettiyar.
4 ,, K. Venkataswami Nayudu.
5 The Hon. Mr. T. S. S. Rajan.
6 Mr. L. Subba Rao.
7 ,, V. Ganga Raju.
8 ,, D. Sriramamurti.
9 ,, R. Srinivasa Ayyangar.
10 ,, V. V. Jogayya.
11 ,, K. Madhava Menon.
12 ,, A. Rangaswami Ayyangar.
13 ,, V. Venkatapunnayya.
14 ,, N. Venkatachalamaji.
15 Mr. K. P. Mallikarjunudu.
16 ,, P. Virabhadraswami.
17 Rao Bahadur V. Vasantha Rao.
18 Mr. N. Sankara Reddi.
19 ,, B. Bhima Rao.
20 ,, K. V. Srinivasa Ayyangar.
21 ,, S. K. Satagopa Mudaliyar.
22 ,, N. Subba Raju.
23 ,, K. S. Sivasubrahmanya Ayyar.
24 ,, C. Perumalswami Reddiyar.
25 ,, L. Subbarama Reddi.
26 ,, M. Narayana Menon.
27 ,, M. Narayana Rao.
28 ,, S. A. S. Rm. Ramanathan Chettiyar.

Ayes 17. *Noes* 28.

The amendment was lost.

Rao Bahadur M. Ramakrishna Reddi's amendment was put and declared lost. On a poll being demanded, the House divided thus:

Ayes.

1 Mr. J. A. Saldanha.
2 Rao Bahadur M. Raman.
3 Dr. Sir K. V. Reddi Nayudu.
4 Mrs. Mona Hensman.
5 Mr. S. J. Gonsalves.
6 Rao Bahadur M. Ramakrishna Reddi.
7 Munshi Abdul Wahab.
8 Mr. B. Narayanaswami Nayudu.
9 Rt. Hon'ble V. S. Srinivasa Sastri.
10 Khan Bahadur T. M. Moidoo Sahib Bahadur.
11 Diwan Bahadur R. Srinivasan.
12 Rao Bahadur N. R. Samiappa Mudaliyar.
13 Sir Mahomed Usman Sahib.
14 Mr. P. Peddi Raju.
15 Syed Abdul Wahab Bukhari.
16 C. P. Mammoo Keyi Sahib Bahadur.
17 Mr. S. K. Ahmed Meeran.
18 Khan Bahadur Moulvi Ghulam Jilani Quraishi.
19 Diwan Bahadur K. Daivasigamani Mudaliyar.

Noes.

1 Khan Bahadur Hameed Sultan Maracair.
2 Mr. T. C. Srinivasa Ayyangar.
3 ,, T. A. Ramalingam Chettiyar.
4 ,, K. Venkataswami Nayudu.
5 The Hon. Mr. T. S. S. Rajan.
6 Mr. L. Subba Rao.
7 ,, V. Ganga Raju.
8 ,, D. Sriramamurti.
9 ,, R. Srinivasa Ayyangar.
10 ,, V. V. Jogayya.
11 ,, K. Madhava Menon.

Noes—cont.

12 Mr. A. Rangaswami Ayyangar.
13 ,, V. Venkatapunnayya.
14 ,, N. Venkatachalamaji.
15 ,, K. P. Mallikarjunudu.
16 ,, P. Virabhadraswami.
17 Rao Bahadur V. Vasantha Rao.
18 Mr. N. Sankara Reddi.
19 ,, B. Bhima Rao.
20 ,, K. V. Srinivasa Ayyangar.
21 Mr. S. K. Satagopa Mudaliyar.
22 ,, N. Subba Raju.
23 ,, K. S. Sivasubrahmanya Ayyar
24 ,, C. Perumalswami Reddiyar.
25 ,, L. Subbarama Reddi.
26 ,, M. Narayana Menon.
27 ,, M. Narayana Rao.
28 ,, S. A. S. Rm. Ramanathar Chettiyar.

Ayes 19. *Noes* 28.

The amendment was lost.

Sir Mahomed Usman Sahib's amendment was put and declared lost. On a poll being demanded, the House divided thus:

Ayes.

1 Mr. J. A. Saldanha.
2 Rao Bahadur M. Raman.
3 Dr. Sir K. V. Reddi Nayudu.
4 Mr. T. C. Srinivasa Ayyangar.
5 ,, S. J. Gonsalves.
6 Rao Bahadur M. Ramakrishna Reddi.
7 Munshi Abdul Wahab.
8 Mr. B. Narayanaswami Nayudu.
9 Rt. Hon'ble V. S. Srinivasa Sastri.
10 Khan Bahadur T. M. Moidoo Sahib Bahadur.
11 Diwan Bahadur R. Srinivasan.
12 Rao Bahadur N. R. Samiappa Mudaliyar.
13 Sir Mahomed Usman Sahib.
14 Mr. P. Peddi Raju.
15 Syed Abdul Wahab Bukhari.
16 C. P. Mammoo Keyi Sahib Bahadur.
17 Mr. S. K. Ahmed Meeran.
18 Diwan Bahadur K. Daivasigamani Mudaliyar.

Noes.

1 Mr. T. A. Ramalingam Chettiyar.
2 ,, K. Venkataswami Nayudu.
3 The Hon. Mr. T. S. S. Rajan.
4 Mr. L. Subba Rao.
5 ,, V. Ganga Raju.
6 ,, D. Sriramamurti.
7 ,, R. Srinivasa Ayyangar.
8 ,, V. V. Jogayya.
9 ,, K. Madhava Menon.
10 ,, A. Rangaswami Ayyangar.
11 ,, V. Venkatapunnayya.
12 ,, N. Venkatachalamaji.
13 ,, K. P. Mallikarjunudu.
14 ,, P. Virabhadraswami.
15 Rao Bahadur V. Vasantha Rao.
16 Mr. N. Sankara Reddi.
17 ,, B. Bhima Rao.
18 ,, K. V. Srinivasa Ayyangar.
19 ,, S. K. Satagopa Mudaliyar.
20 ,, N. Subba Raju.
21 ,, K. S. Sivasubrahmanya Ayyar.
22 ,, C. Perumalswami Reddiyar.
23 ,, L. Subbarama Reddi.
24 ,, M. Narayana Menon.
25 ,, M. Narayana Rao.
26 ,, S. A. S. Rm. Ramanathan Chettiyar.

Ayes 18. *Noes* 26.

The amendment was lost.

The motion of the Hon. Mr. C. Rajagopalachariar that the Bill be taken into consideration was put and declared carried. A poll being demanded, the House divided thus:

Ayes.

1 Khan Bahadur Hameed Sultan Maracair.
2 Mr. T. A. Ramalingam Chettiyar.
3 ,, K. Venkataswami Nayudu.
4 The Hon. Mr. T. S. S. Rajan.
5 Mr. P. Peddi Raju.
6 ,, L. Subba Rao.
7 ,, V. Ganga Raju.

Ayes—cont.

8 Mr. D. Sriramamurthi.
9 „ R. Srinivasa Ayyangar.
10 „ V. V. Jogayya.
11 „ K. Madhava Menon.
12 „ A. Rangaswami Ayyangar.
13 „ V. Venkatapunnayya.
14 „ N. Venkatachalamaji.
15 „ K. P. Mallikarjunudu.
16 „ P. Virabhadraswami.
17 Rao Bahadur V. Vasantha Rao.
18 Mr. N. Sankara Reddi.
19 Mr. B. Bhima Rao.
20 „ K. V. Srinivasa Ayyangar.
21 „ S. K. Satagopa Mudaliyar.
22 „ N. Subba Raju.
23 „ K. S. Sivasubrahmanya Ayyar.
24 „ C. Perumalswami Reddiyar.
25 „ L. Subbarama Reddi.
26 „ M. Narayana Menon.
27 „ M. Narayana Rao.
28 „ S. A. S. Rm. Ramanathan Chettiyar.

Noes.

1 Mr. J. A. Saldanha.
2 Rao Bahadur M. Raman.
3 Dr. Sir K. V. Reddi Nayudu.
4 Mrs. Mona Hensman.
5 Khan Bahadur Moulavi Ghulam Jilani Quraishi.
6 Mr. Abdul Wahab Bukhari.
7 C. P. Mammoo Keyi Sahib Bahadur.
8 Mr. S. K. Ahmed Meeran.
9 „ S. J. Gonsalves.
10 Rao Bahadur M. Ramakrishna Reddi.
11 Mr. Abdul Wahab.
12 „ B. Narayanaswami Nayudu.
13 Khan Bahadur T. M. Moidoo Sahib Bahadur.
14 Diwan Bahadur R. Srinivasan.
15 Rao Bahadur N. R. Samiappa Mudaliyar.
16 Sir Mahomed Usman Sahib.

Ayes 28. *Noes* 16.

The motion was carried and the Bill was taken into consideration.

THE RT. HON. V. S. SRINIVASA SASTRI:—" Mr. President, I wish to raise a point of order at this stage. If I have your ruling I shall proceed. It relates, Mr. President, to the question of the legislative competence of this House to consider the matter now before us. The matter refers to the constitutional position as it is to-day under the Government of India Act. I shall endeavour to explain and I am not a lawyer. I shall speak as a layman. I think the point is substantial and must be considered. Matters coming within the sphere of legislation are under the new Act divided into three classes, the first are those which are exclusively within the province of the Federal Legislature, second those which are exclusively within the province of the Provincial Government and the last, those which fall within both and which are called concurrent."

DR. SIR K. V. REDDI NAYUDU:—" I think the point that is now going to be raised by the hon. Member is one which will have to be started immediately after the Bill is taken up for consideration. In that case will you kindly allow me to make a personal statement? I feel and I believe some Members of the House also do feel that the courtesy that is shown to us in this matter is not consistent . . ."

* MR. PRESIDENT:—" Are you making a speech? "

DR. SIR K. V. REDDI NAYUDU:—" No, Sir, not in the least. I know the procedure, Mr. President, and I have known several Houses. I will put it in one sentence. After what has passed, without wanting

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in the least in my respect towards you, Sir, as President or to the Council and simply as a protest against the attitude of the Government, I beg to withdraw from the House for the moment."

(Dr. Sir K. V. Reddi Nayudu then left the House.)

RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—" We follow, Sir."

(Rao Bahadur N. R. Samiappa Mudaliyar followed by a number of Members of the Opposition then left the House.)

THE RT. HON. V. S. SRINIVASA SASTRI:—" I was saying, Sir, that legislative powers are of three classes, those which are exclusively Federal, those which are exclusively Provincial and those which are concurrent. But for the purpose of this discussion the third class, concurrent powers, may be taken up for consideration. Under the class which are exclusively Federal are mentioned—I do not mention all the items but I mention what is relevant to the subject—bills of exchange, promissory notes and other like instruments, corporations including banking corporations. There are many subjects which are exclusively Provincial, like land improvement loans, agricultural loans and money-lending and money-lenders also come in. It is further provided in the transitional rules that where there is overlapping in respect of any matter, only the Federal Legislature can legislate. Now I contend, Sir, that we have much overlapping amongst the topics treated of in our Bill. We have got the whole of the subject of banking and the subject of negotiable instruments and corporations falling under the Federal heading. We have then got under provincial heading money-lending and agricultural loans. There is therefore plenty of overlapping and on this subject therefore it is open to contend that it is only the Federal Legislature that is competent to legislate. It may be contended, Sir, that this defect is curable though on the face of things they have to be excluded. Unfortunately under the transitory headings they even preclude the possibility. Neither the previous consent of the Governor-General nor his subsequent assent can cure this primary invalidity. I contend, therefore, Sir, that it is idle to waste our time on the further consideration of this subject."

* THE HON. MR. C. RAJAGOPALACHARIAR:—" Sir, I submit that the point raised is not valid. If any construction of the schedules to which reference is made by the hon. Member should be carried to the extent of excluding the jurisdiction of this Legislature with reference to the subject dealt with here, it would mean that no scaling down of debts of agriculturists should ever take place. Because it would be excluded from the Legislature here and it would be excluded from the Federal Legislature also. For in none of the lists to which reference was made we find it allocated to the Federal Legislature. I submit there is no point in imagining that because the debt could be on a promissory note and because you cover all debts and all interest, you are thereby overlapping. That would be an impossible position and

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do not think in fairness to the constitution to which the hon. Member as to some extent a party, it could have been intended to lead to this x. There is no point whatsoever in it and the column as to land and e column as to money-lenders and money-lending is enough to cover e entire subject. Banking and Negotiable Instruments do not cover e present Bill. We are not dealing with banking. If we go one ep further and understand why the schedules are so arranged, we n easily interpret and as a layman myself, I think, all those things here the whole of India is concerned and where uniformity of treatent is necessary are included in the Federal subjects. All banking perations which run from the Himalayas to the Cape Comorin are vered in the Federal list. Negotiable instruments which may be egotiated from here to the Punjab are covered by the Federal Legisature. But whatever law we make will apply to such as are agricul-rists whom we wish to protect against money-lenders and money-nding. I submit therefore that the point taken is not valid."

* MR. PRESIDENT :—" I rule that the Council is competent to go n with the Bill."

Clause 3.

Clause 3 was taken up for consideration.

MR. P. PEDDI RAJU :—" I beg to move—

'*In line* 6 *of sub-clause* (*ii*) (*a*) *of clause* 3, *after the words* " *land revenue* " *add the words* " *not exceeding Rs.* 500." '

" That is in the definition of the word ' agriculturist.'

" My idea in moving this amendment is this; the question for con-deration is whether we have done the necessary thing and whether we ave taken into consideration the ability to pay or not. My idea is that o relief should be given to a person who is able to pay. I have given otice of another amendment to be made to another portion of the Bill. Ve must give proper relief only to the poor classes. We have exclud-d zamindars who pay Rs. 500 peshkash, and the inamdar who pays s. 100. I want to exclude the man who pays land revenue of more an Rs. 500. That is the main idea; with these words. I beg to move y amendment." 12-15 p.m.

MR. T. C. SRINIVASA AYYANGAR :—" I second it."

DR. P. J. THOMAS :—" Sir, I rise to oppose the amendment; my rounds are these. The mover of the amendment pointed out that ose people who are able to pay, should not be given relief. The Bill s amended by the Select Committee has made a clear distinction etween debts incurred before 1932 and those incurred afterwards. That istinction implies that those who have to pay now any debt incurred efore 1932 have to pay much larger value than one who borrowed fter 1932. Why is it? This slump has affected all persons irrespective

of their ability; to my mind, the amendment goes against the very principle of the Bill, to exempt any class from relief of this kind. If there are other reasons, surely that is a different matter. But on the ground of your being able to pay, I maintain that you should not be exempted, because all have been affected by the depression. If you think there are other people and they ought to be given relief, you should think of some other way. Hon. Members can of course say that greater relief should be given to persons who are very poor and not able to pay. But it is not justifiable to ask a man who borrowed before 1932, to pay the original principal and all the accumulated interest. We have all been affected by the depression; the value of money has been considerably increased; it is now twice the original value. To say that a man should bear this extra burden because of his ability to pay, is unjust and iniquitous to my mind. Although I agree that the wealthy should pay, I do not think that the wealthy should be discriminated in that manner. We want all our countrymen rich or poor, to be helped in some manner. Slump is a very extraordinary act of God; it is therefore an unprecedented slump. We should give relief to all; relief may be greater to those who cannot pay; but we must give relief to all people who have been affected by the slump. I therefore oppose this amendment and I hope it will be thrown out by the House."

The amendment was put and lost.

THE RT. HON. V. S. SRINIVASA SASTRI:—" Mr. President, I beg to move this amendment:—

'Add *after sub-clause* (*ii*) (*d*) *of clause* 3, *the following*:—

" (*e*) *A cultivator of any such land who does not fall within sub-clauses* (*a*), (*b*), (*c*) *or* (*d*)." '

" My object, Mr. President, is to include within the benefits of this measure the landless labourers, who, in the Tamil country, are called kudiyanavans. In all measures of amelioration in the world which purport to improve the condition of agriculture, the condition of the peasant and peasantry is given the main consideration. The classes of people whom I wish to benefit are the bulk of the peasantry in this part of the world. Unfortunately they have no land and they are not in a position to get a lease of the land; so, they do not come under the other clauses and they have to be brought under this sub-clause. Let us consider for a moment the position of these people and I implore the attention of the House to a description of the condition of this class of people in this Presidency. They are people who till the land and who do all the labour of agriculture; all the other people are dependent on these people. Their labour is at the bottom of a great part of the economic structure of the country. A measure which seeks to improve agriculture without touching this class of people must be considered to be very imperfect. I know, Sir, from my boyhood days, about this class of people; the kudiyanavan or the cultivator is generally a family

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dependent on the mirasidar. For generations, his father, grandfather and great grandfather have been associated with that piece of land, and have always laboured on it. Even to-day he is the obedient servant of the land and of its mirasidar. Not wishing to be harsh to anybody, the mirasidar himself is in his turn very often a very kind master. Unfortunately the relation between these two is one of unspoilable kind. The peasant has no freedom at all. There is no law of the land preventing him from going anywhere he likes and labouring where he likes. But under long tradition and the custom of the country he is there associated with his mirasdar at his beck and call and, generally speaking, he and his children live on the same piece of land in a house of which the proprietorship vests in the landlord. No doubt for cultivation, he gets various kinds of aid from the mirasidar; when there are marriages or other ceremonies in the house, he gets some presents. So, the economic tie becomes tighter and tighter as the generations grow and the family increases. Curiously enough, so accustomed are the mirasidar and the tenant to this immemorial relationship that the dependence on the one hand and the lordship on the other are not regarded as abnormal; there is nothing derogatory on the one side or tyrannical on the other. Unfortunately the tenant or the cultivator is always indebted to the mirasidar; he can never shake it off; he never knows from year's beginning to year's end and from life's beginning to life's end, what it is to be a man free from debt, free from dependence, able to stand on his own legs and face his master as one person should another. It is this class of person whom we ought to consider as the most entitled to any ameliorative measure that we adopt. I have no doubt that friends on both sides of this House know this, much better than I do; ever since I was a child, it has always been galling to me for many, many years that there are human beings with no right to call themselves independent and free people. Give them freedom for one day and you will have conferred on them a blessing for which they will be eternally grateful; it is a luxury they have never known. By this addition to the clause, I bring the peasantry within the protection of this Bill and the two amendments that I propose to clauses 8 and 9 suggest that their debts should be struck off altogether, and they should be declared free men. This may look somewhat idealistic. It goes to the very root of the relationship of the landlord and the cultivator and might introduce changes far deeper than those which the amendments seek to effect. But that is not the peculiarity of this clause only; it is the peculiarity of the whole Bill. The Bill goes to the very root of our national system of credit, of the dependence of the tenant on the landlord and of the lordship of the landlord over the tenant; both these classes of people are in some way or other dependent on land. I think, therefore that my sub-clause does not open up any field which can be kept out of the scope of this measure. I grant fully that there are difficulties attendant on the inclusion of this class. I got this Bill so very late in the day that it is impossible for me to provide adequately under the sub-heads of the various clauses as it

should be done. I indicate roughly my ideas as to how precisely thi class can be helped. In their case, no scaling down of their debts wil help them; their burden is so heavy and has come down generation after generations with a large weight. Only complete emancipatio will be of use to them.

12-30 p.m. " Sir, this provision has been unfortunately alluded to both b the Prime Minister and myself in the former speeches that were made But, I hope what we have said to each other on that occasion will no interfere with the cordial spirit which I invoke for the consideratio of this sub-clause."

KHAN BAHADUR SIR MAHOMED USMAN SAHIB BAHADUR:— " *I second the motion, Sir.*"

MR. J. A. SALDANHA:—" Only one word, Sir. This class o *people corresponds to what was called ' serfs ' in European countrie* in the past and who have since been completely emancipated. Thi class of serfs exists not only in the Tamil districts, but also in my dis trict of South Kanara, as well as in Malabar; and they have been con sidered to be a kind of bond-servants from generation to generation *It has been a wonder to me why this class of people has not been brough* within the purview of this legislation. Under the Deccan Relief Act which has been in existence for the last fifty or sixty years, this clas has been specially brought under the benefits of that Act. If they are not included, I am sure their load of debt which has been accumu lating from generation to generation would become too heavy and it i but reasonable therefore that this class which forms a large proportio of the population, a down-trodden people who cannot shake off thei bonds of slavery, should be included in the scope of this Bill, if they are to be really relieved at all."

* THE HON. MR. C. RAJAGOPALACHARIAR:—" The amend- ment, Sir, is that the Bill should be modified so as to extend the defini- tion of ' agriculturist ' to the people referred to by the hon. Mr. Sastri If it is intended to refer only to those whom the hon. Member from the *West Coast described as serfs, it would be so wholly outside the scope* of this Bill that I am unable to find any way of dealing with this pro- blem by definite clauses and measures introduced as part of this Bill. But I hope we will be able to devise and introduce a measure to emanci- pate these people who may actually be called serfs and in such a measure these people will not be put in a worse position, but in a bet- ter position. I do hope that the Right Hon. Member who moved this amendment will then put the weight of all his position and support in respect of that measure. As regards the other class of people, namely. those who are holding lands and cultivating them, and feel the responsibility of raising crops and giving a share of the yield to the person who pays the Government revenue on the land, and which class may not be called serfs except by a figure of speech, those are

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included in this Bill; and I should like to point out that sub-clause (*d*) of clause 3 reads thus: 'holds a lease of such land from any person specified in sub-clause (*a*), (*b*) or (*c*) or is a sub-lessee of such land'. A lessee or sub-lessee, therefore, of any land under a ryotwari owner is entitled to say that he comes in under this sub-clause. And what is a lease of land? The Transfer of Property Act defines leases of immovable property thus:

> 'A lease of immovable property is a transfer of a right to enjoy such property, made for a certain time, express or implied, or in perpetuity, in consideration of a price paid or promised, or of money, a share of crops, service, or any other thing of value, to be rendered periodically or on specified occasions, to the transferor by the transferee, who accepts the transfer on such terms.'

"According to section 107 of the Transfer of Property Act, there are certain kinds of leases which can be made only by a registered instrument. But all other leases of immovable property may be made either by a registered instrument or by oral agreement accompanied by delivery of possession. So that, most of the persons that are intended to be included by the amendment moved, will be covered by sub-clause (*d*) of clause 3, which says: 'holds a lease of such land from any person specified in sub-clause (*a*), (*b*) or (*c*) or is a sub-lessee of such land'. But, if the reference is to one who is not responsible for raising crops himself and who has not a share in it, but simply works as a day to day wage-earner, the position is entirely different. It is for that reason that the amendment cannot be accepted by me in this connexion. But in regard to any other measure we are able and fortunate enough to bring forward in respect of any of these down-trodden people, I hope we shall have the entire support of all the members of this House who are now inclined towards this amendment."

The amendment was put and lost.

MR. P. PEDDI RAJU:—"*Mr. President, I beg to move—*

> '*that in caluse 3, proviso D, in line 6, for the words "Rs. 100" the words "Rs. 300" be substituted.*'

"The reason for this is that there is a considerable amount of misapprehension on the part of the Government as well as in the mind of the general public whether the quit-rent or jodi or poruppu would be favourable to the estate holder or not. Whether the inamdar be a mokhasadar or pays a very nominal amount as kattubadi, it is considered that Rs. 100 is a sufficiently high amount. But I may point out to the Hon. the Premier that in our parts of the province we have got a large number of mokhasadars who pay a large amount of land revenue to Government. To quote an instance, in the Tanuku taluk, there is a mokhasa consisting of three villages, where the kattubadi is Rs. 3-4-0 per acre; in addition to that the mokhasadar has to pay Rs. 6-4-0 to Government, besides paying other taxes. The

total amount that he has to pay either to the zamindar or to the ernment comes to about Rs. 12 per acre. Taking the kattubac Rs. 3-4-0 per acre, for about 30 acres he will have to pay Rs. 10(cluding the water-cess and other cesses. He is not himself the o of the land; he is only an under-tenure holder, and he will have al get his rental from his tenants and though he may not get any amount from them, yet he will have to pay Rs. 12 per acre alth he derives only Rs. 3 per acre of land. In such cases, if it is no intention of the Act to protect them, I fail to see why mention sh be made of inamdars and so on. I am pointing out this difficult order to show that so far as the mokhasadars are concerned, the k badi has been considerably increased and being under-tenure ho they are hardly able to eke out their livelihood. Though the mokl dar may possess a whole village, yet he is an under-tenure ho There are also under-tenures which have been subdivided and persons will not be relieved by this Bill.

"There is also another aspect of the question which has t taken into consideration. There is a distinction made by the Go ment in respect of the agraharamdars of the Tamil districts and of the northern districts. In the south, they are separately ass and registered, but in the north they are jointly registered, so so the quit-rent is payable jointly by all the agraharamdars. complaint is that the Inams Act has conferred occupancy right or tenant, but by this Bill you are saying that the landlord is not ent to collect arrears of rent, and I say that the Government have not fully considered these matters. My own feeling is that the Govern were able to understand the case of agraharamdars only of the s and not of the north. I hope this distinction will be removed and is the reason for my amendment."

* Mr. T. C. SRINIVASA AYYANGAR :—"Mr. President seconding the amendment I desire to point out a small error in statement made by my hon. Friend Mr. Peddi Raju. Even in south, the quit-rent or the poruppu or jodi payable to the Govern or to the zamindar is not severally assessed on the inamdars in the number of cases. Of course, there is no question of knowledge or of knowledge on the part of anybody. I know of only one class of of inams settled in 1863; portions of certain villages were give inam in succession one after the other and the Inam Commiss naturally put various portions, though in the same village, they were separate entities with quit-rents separately fixed. such cases are few. There may perhaps be some cases as pointed
12-45 p.m. by my hon. Friend. The position is the other way about general

"But I do submit that in the case of inams some more reli necessary and it should not be limited to cases of payment hundred rupees."

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* THE HON. MR. C. RAJAGOPALACHARIAR:—" I am glad that the seconder of the amendment has already explained what I wanted to do. I think it would be difficult to accept the amendment. It is not intended to cover cases of the grant of mukhasas and under-tenure holders. It is intended only to cover those who are directly responsible for the cultivation of the land, that is to say, those who have their occupancy rights on the soil. Whatever may be the size of the inam, and whatever the share of the inam may be, the person who pays a sum of Rs. 100 and below is included merely because his is such a small estate that probably in many cases, he would be also in direct contact with the land. No doubt it may be pointed out that it would be impossible to mark out nicely and scientifically as between holder and holder. But the higher up we proceed, he would be a tenure or an under-tenure holder instead of being a holder of land himself. That is the reason why such people have been excluded; not because they are well off or ill off. It is on that principle that the agreement is made. If the figure is put up to Rs. 300 so many other cases would be covered and would disturb the balance; that is why I am not able to accept the amendment."

The amendment was put and lost.

THE RT. HON. V. S. SRINIVASA SASTRI:—" I move—

'Add *after proviso D to clause* 3, *the following*:—

" *or a ryot of Government paying a sum exceeding Rs.* 450 *as land revenue.*" '

" During the discussion of this Bill we have heard the Premier saying that he was looking at this matter not from the point of view of individual ability or inability to pay but he was considering the whole question from the point of view of the improvement of agriculture. I ask the House to consider the nature of this Bill. It seeks to relieve from the burden of long indebtedness people on whom it presses very hard and whom on considerations of humanity we have as a matter of duty to liberate. I do not think, Sir, that the abstract consideration of agriculture affects the matter seriously. We are disturbing by means of this measure, the whole groundwork of credit upon which society is based and in every case where this disturbance is felt it is our duty to see that it is unavoidable. We must not extend this disturbance further than is absolutely necessary. Stringent considerations must be employed as to the nature and the capacity of the class of people whom we propose to relieve. I ask, Sir, is the condition of the landlord who pays Rs. 450 to Government as kist such, that we should come to his relief and tell his creditors 'just because he is an agriculturist and for no other reason, just because he has vast acres of land, you must not expect repayment.' It seems to me

that it is carrying considerations of relief much too far. In many cases these landlords are rich people who have incurred debts not certainly for agricultural purposes. I fail to see how exactly their relief would redound in the end to the benefit of agriculture, to the abstract interest of agriculture. Let us also remember, on the other hand, that several of the people who have lent sums to these gentlemen may be poorer than they, or perhaps greater objects of pity than they. Are we justified in taking money from poor people and putting it in the hands of the people who do not deserve any consideration in a measure of this kind? I think, Mr. President, I shall have to appeal to the Premier once more—he has had this sort of argument several times that on the abstract ground of agriculture he brings this Bill—now that he brings this Bill in a new form and before another set of people, if he finds even here that this class of people are not deserving of relief, if he finds that a man like me standing apart from the whole system of loans, who is neither a borrower nor a lender nor even an agriculturist of any description, having no interest whatever in this matter, considers that his commisseration is beiug extended to people who do not deserve it there is yet a chance—though a remote one—of excluding such gentlemen from the benefits of this measure.

" There is a word of explanation due from me as to why I have put this figure of Rs. 450. I know the Premier has rejected the other amendment of my hon. Friend; if that were a lower figure, he might say ' even if I am inclined in your favour, I have already committed myself to the other view '. I am making it easy for him to accept my amendment if he wishes. But from his attitude both yesterday and the day before yesterday, I feel doubtful if he would accept it."

KHAN BAHADUR SIR MAHOMED USMAN SAHIB BAHADUR:—" I beg to second the motion."

MR. J. A. SALDANHA:—" Mr. President, I have been wondering why these ryotwari landholders—some of them very rich people and also money-lenders—this is the case in the district of South Kanara as well as in other parts of the presidency—have been brought under the Bill. They should have been excluded from the provisions of the Bill. They are, if not all at least some, richer than the janmis of Malabar in whose case an upper limit has been fixed. When that is the case, I have been wondering why these ryotwari landholders, in spite of their ability to meet their obligations, have been included in the benefits of the Bill."

* MR. PRESIDENT:—" Is the hon. Member speaking on the amendment? "

MR. J. A. SALDANHA:—" Not only that, Mr. President, I am supporting this amendment and that very strongly. In fact I sent an amendment to this effect; but I was told that I could not give

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otice of the amendments because notice of the Bill as passed by the .ssembly had not been received. I received the copy of the Bill ; passed by the Assembly only at 9 o'clock in the morning when was starting for the Council and there was no time either to read ie Bill or to give notice of amendments. But all the same, I support this amendment. I do not want to dwell upon this point at any ;ngth; but I want to ask what the motive is behind the bringing of ll classes of ryotwari landholders under the Bill irrespective of their icome. So many people have been pressing upon me to raise this uestion and they all want to know why bankers and other rich people ·ho own vast expanses of land have been excluded from the restrictions f the Bill. I am glad that the Rt. Hon. Sastri has touched this weak oint of the Bill. Janmis who pay Rs. 500 are excluded from the enefits of the Bill; but it looks wonderful why in the case of ordinary indholders, an upper limit has not been fixed. Under the Moratorium ill, there was an upper limit fixed and I only want to ask why this as been abandoned? I wonder if they have been brought into this ill because they form a majority of the supporters of the Congress 'arty? I would like the Government to explain their position."

* THE HON. MR. C. RAJAGOPALACHARIAR:—" Mr. President, am sorry that I am not in a position to walk over the golden bridge iat was offered to me by the Rt. Hon. Sastri. He said 'if you re not prepared to accept Rs. 500 you can accept the upper limit of ls. 450.' I submit that the reasons have been already fully explained y Dr. Thomas as regards the value of land and the value of the debt dvanced upon them and other things and I think it would be hardly ecessary for me to add to it. The thing is that it is the occupation hat I am thinking of and not agriculture as a science or art. It is ae occupation that is dealt with here and that is why under-tenure olders and others are out. The quantity of revenue payable to overnment does not in any way matter and it does not in any way iake any difference in the occupation. I wish to point out to Mr. aldanha who followed the Rt. Hon. Sastri that there is no secret iotive or intention in regard to this matter and that the motive ttributed is entirely incorrect. I could tell him that the fact that I ave put down provisos (A), (B), (C) and (D) is a matter of great esentment and anger to the people who, the hon. Member said, were ur supporters and whom we are desirous of bringing under the benets of this measure. I can tell the hon. Member that the mirasdars are ery lukewarm, if not actually opposed to the Bill. It is not as if hey are helping me to get this measure through and many of them are a fact angry because of the many provisos which exclude them from his measure. There is no bad motive behind the measure and it is not question of this party or that party or community that is sought o be helped. If at all a community is sought to be helped, it is that ommunity of agriculturists who till the land and produce the crops. request Mr. Saldanha to keep such ideas out of his mind. As a

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matter of fact, I can assure him that most of the people, whom, he said *I was desirous of helping, come under the provisos regarding payment* of profession-tax, income-tax and other things.

p.m. " If I am interested in seeing that this Bill should benefit any particular class, I should have deleted one or two of provisos A to D. But that is hardly proper. The hon. Member does not understand that it is not an attempt to improve agriculture but to improve the lot of those who are engaged in the profession of agriculture and to remove the burden of debts to some extent. It is not also that the debt is being cancelled. The amendment is based upon the assumption that it is a case of removing a debt or wiping it out, whereas we are taking away the burden of interest in cases where it is due and in cases where twice over has been paid. Generally, it is interest that is sought to be wiped out and therefore the amount of revenue that is paid is not put down at a minimum. We are doing only bare justice to the man who borrowed when money was valued differently."

The amendment was put and lost.

MR. P. PEDDI RAJU :—" I beg to move—

' Add *the following at the end of sub-clause* (iv) *of clause* 3 *before the word* " *and* " :—

" *or water-cess payable to Government in respect of such land* ".'

" I only wish to add water-cess payable to Government in respect of such land. So far as water-cess is concerned, my submission is that it is not taken at all. Under the Irrigation Cess Act there are certain schedules under which Government are entitled to collect water-cess in respect of lands in the zamindari area either from the zamindar or the tenant or from both and these schedules were published long ago by the Government and the Government have not taken care to revise the same. For instance, in the case of several zamindars Government said that Government will collect water-cess from the zamindar himself. The zamindar collects the wet assessment for the Government but he collects it as rent itself. If the rent is Rs. 2, he says the whole is Rs. 7. He has to pay to Government Rs. 5 out of it. It is not with the case of the big zamindars that I am concerned. In the case of the minor agraharamdars, they have gone to the Privy Council, where it has been held that the ryot has got the occupancy right. We people have gone to the High Court and the tenants never paid. But the inamdar has been compelled to pay water-cess all along. The Privy Council has had to decide recently. Now the agraharamdar has sold away half the agraharam for payment of water-cess to Government. So when the under-tenure holder has to pay half the water-cess I fail to see why he is not entitled to collect the water-cess. There is no law or contract which governs all these things except that it comes under the definition of rent. There is no doubt

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an improvement was made in the Bill in the later part of clause 16. In clause 16 in the Assembly there was an amendment and it was accepted. 16 (*b*) says, the land revenue and water-cess, if any, paid by him to the Provincial Government which the tenant was bound to pay by virtue of any law, custom, contract or decree of court governing the tenancy, etc. Water-cess paid to the Provincial Government must come under one of these things, law, custom or contract. If it does not come, it is part of rent itself, because there is nothing like separate water-cess. So the difficulty arises. Therefore I fail to see why this should not be accepted here."

The motion was duly seconded.

* MR. T. C. SRINIVASA AYYANGAR:—"Elucidation is necessary with regard to the effect of this clause. In clause 16, we have got an express statement that if the water-cess is paid by the landlord to the Government it can he collected and it will not be included as arrear of fasli 1345. What are the cases which are intended to come within the expression 'and the like'? If you go to the definition of rent in the Estates Land Act, there is a definition with regard to rent proper. For a certain purpose it is also provided that rent includes cesses and certain customary charges, which are payable. It is necessary therefore to illustrate the matter and to have a uniform phraseology, so that there may be no inconsistency or confusion. Sub-clause (4) gives the definition of rent. What are the classes of cases which are intended to come within the provision under discussion quit-rent, jodi, kattubadi, poruppu, etc.? Quit-rent payable to Government, jodi, etc., are payable to the zamindar. Will the rule of construction *ejusdem generis* apply? I think it will be better to have further enlightenment on the matter, and I therefore seek information."

* THE HON. MR. C. RAJAGOPALACHARIAR:—"I think, the amendment refers to water-cess that is paid by the landlord on behalf of the tenant to the Government and seeks to exclude it from the Act. If that is the object, it is covered by the provision in clause 16. Sub-clause (*b*) says that 'notwithstanding anything contained in this chapter, a landholder as well as an under-tenure holder can recover from the tenant all arrears of rent' and under this provision the land revenue and water-cess which has been paid by the landlord or the under-tenure holder to the Government which the tenant is bound to pay by virtue of any law, custom or contract can be recovered from him. So that I think, as far as I can see, there is no difficulty in the object behind the amendment being attained by the clause in section 16 referring to water-cess. But if there is any difficulty to find out whether the payment made was really by the tenant, there is no justification for putting it in here. But it is not likely that in any case there will be difficulty because either the tenant or the landlord is bound to pay. As regards the problem raised by the seconder of the amendment that rent is defined to include quit-rent, jodi,

kattupadi and poruppu, it means only this—that it includes what is paid by the under-tenure holder or by anybody, provided it is payable to the landlord. Supposing there are other forms of such payment, the principle of *ejusdem generis* will apply. Because 'rent' means whatever amount comes under this description which is payable to the landlord under the Estates Land Act, there cannot be any difficulty. If it is pressed, it would lead to confusion."

15 .m. MR. P. PEDDI RAJU:—"I am sorry I have not made myself clear. . ."

MR. PRESIDENT:—"The hon. Member has no right of reply."

MR. P. PEDDI RAJU:—"On a matter of explanation, Sir. As I said, clause 16 (*b*) is intended to cover such cases. But my case is: as the wording of the clause stands, it does not cover the cases I mentioned. When the Government have stated that the water-cess has to be paid by the zamindar, it is understood that the tenant is bound to pay it by virtue of custom or law of our parts, in the northern districts in the case of zamindaris and minor estates. What the Government have stated is that water-cess is liable to be paid by the zamindar. The amount is actually derived from the tenant. As I said, if arrears of rent are written off, so far as the tenures are concerned, local cesses and water-cess to be paid by the tenant will have to be written off. I wish that this amendment should be made in the definition of the word, as I wish that water-cess should be excluded."

The amendment was put and lost.

* MR. D. MANJAYYA HEGDE:—"Sir, I beg to move the following amendment:—

> '*In sub-clause (v) of clause 3 after the word "heirs"* add *the word "and"*; delete *the word 'and'* and add *the words "but not."*'
>
> 'Add "*Explanation.—The consideration paid by the assignee shall be construed as principal of the debt due to the assignee from the debtor provided the assignment had taken place before 1st October* 1937."'

"The difference between the ordinary creditor and the assignee is not taken into account. The ordinary creditor lends small amount and waits till it swells into a big amount; whereas the assignee pays a lump sum by way of consideration and so this lump sum must be considered as the principal amount advanced by the second creditor. There is reason for the creditor losing a portion of the amount due i.e., the interest in arrears. But there is no reason why the assignee should lose a portion of the amount due in the same manner."

MR. J. A. SALDANHA:—"I second this amendment."

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* THE HON. MR. C. RAJAGOPALACHARIAR:—" Sir, this amendment is intended to exclude the assignees. The exclusion of assignees will lead to a large amount of legal complications; it will be difficult for me to accept this amendment."

The amendment was by leave withdrawn.

Clause 3 was put and carried.

Clause 4.

* MR. D. MANJAYYA HEGDE:—" I beg to move the following amendment:—

> '*In sub-clause* (*h*) *of clause* 4 add *after the word* " *woman* " *the words* " *minor or disabled person.*" '
>
> ' Add *to the explanation after the word* " *woman* " *the words* ' *minor or the disabled person* " *and* add *after the word* " *her* " *the words* " *or his.*" '

" The amendment explains itself. A woman creditor is considered a helpless person; then why should such benefit be denied to minors and disabled persons similarly helpless as women? Therefore, this amendment should be accepted."

(At this stage some hon. Members who walked out in the morning re-entered and took their seats in the Council hall.)

MR. J. A. SALDANHA:—" I beg to second this amendment. Most women are educated and they have equal ability with men in many matters and they can stand on their own legs. But there are other people besides women who have to be protected. I have no objection to excluding women. There are other people who are minors and who are unsound in mind; there are many people who suffer from various disabilities and our laws are lenient generally to such people. Minors also should be classed along with women and our sympathies should go to them also."

THE RT. HON. V. S. SRINIVASA SASTRI:—" Sir, I beg to support this amendment. I think the considerations that apply to the case of women under this category also apply in the case of people which the amendment mentions. If women deserve our pity for the reasons stated, I think other people in the same position must be given the benefits of the Bill."

* THE HON. MR. C. RAJAGOPALACHARIAR:—" Sir, this subject has been so much discussed that it would tire the House if I repeat all that I have to say in that connexion. I shall be content with saying that it is difficult to define infirmity or disability such as would entitle one to a legal right. As regards minors, I wish to submit one great difficulty. If we should give differential treatment in regard to the legal rights of minors, a great amount of complication in regard to the rights of individual members of a Hindu

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family would arise out of it and we would have to re-draft the whol Bill in order to get rid of the difficulties to some extent at least Therefore it would be difficult to distinguish in favour of minors ir this case; such difficulties would not arise in the case of women That is the only difference. If minors as such are given any specia treatment under this Bill, it will give rise to many difficulties. That is the reason why it was thought not possible to include minors; we will have to introduce not only minority but also disability as a condition. It would not be possible at all to deal with such cases. I therefore oppose the amendment."

The amendment was put and lost.

MR. D. MANJAYYA HEGDE:—"Sir, I beg to move the following amendment:—

'Add *after clause 4 (i) a new sub-clause 4 (j) as, "(j) any debt due to a charitable or religious institution."'*

"There are provisions in the Bill for the exclusion of loans due to the Government, to the co-operative societies and to banks. There is no provision for exclusion of dues to charitable institutions. There are some endowments and religious institutions who use the interest they get, for doing some good to the public. There are charitable educational and medical institutions also which render much service to the people. This Bill as it is badly affects the finances of these institutions and they will have to lose their income and to deny help to people at large. Hereafter people will not come forward to make any such endowments. Therefore, I move this amendment."

MR. J. A. SALDANHA:—"I beg to second the amendment, Sir. There are many important charitable and religious institutions which collect monies from the public and invest them on land and the interest that accrues is utilized for public purposes. In such cases I think they ought to be entitled to the benefits of the Bill. If they are treated as other creditors are, they will be great losers and the public also will be great losers. I strongly urge that this amendment should be accepted."

MR. P. PEDDI RAJU:—"Sir, having given notice of a similar amendment, I wish to make a few observations. Charitable institutions have been in possession of and have been taking some trusts. We have got many such charities. A man in Burma, I know, paid a large amount of money; he gave several lakhs of rupees and the amount has been constituted into a trust fund. Many trustees of these funds have invested monies with big landholders. I know that in my district, a large amount of money has been invested on the
30 security of immovable properties. The interest is collected year after
p.m. year and the money is utilized for the benefit of the public. By means of the provisions of this Act, what you are doing is, if a man has paid twice the amount of principal, he need not pay anything more. But, most of the persons who have taken out loans

might have already paid double that amount by way of interest; now by this provision you say that interest is extinguished once for all and the man need not pay. It means that indirectly you are abolishing the interest. But so far as the recognized charitable institutions are concerned, and where monies are invested—they are not money-lenders or sowcars—my submission is that they should be excluded from the operation of this Bill and it is in that view that I have given notice of the amendment."

* MR. T. C. SRINIVASA AYYANGAR :—" Sir, I desire to add my support also to the amendment. In the district from which I come, many persons whether Hindus or Mussalmans, set apart a small fraction of their income or even some capital and allow it to improve, so that when it improves to the requisite amount, they may start the charity and continue it. Among the Hindus, renovation of temples, institution of Sanskrit patasalas, arrangements for purposes of distributing milk to the poor people and various other charities of a similar nature are dependent upon the interest they receive from such investments and the unspent interest is added to the principal. In the case of these charitable institutions, if the interest payable by the agriculturists at a particular percentage, is suddenly scaled down, the conduct of such charities will be made either difficult or impossible. If this is done, so many institutions will suffer and many poor people will be involved. Charity funds are generally lent to fairly well-to-do people. I wish, therefore, that Government should take into consideration this matter and provide for the amendment moved by my hon. Friend."

* THE HON. MR. C. RAJAGOPALACHARIAR :—" I wish to say, Sir, in reply, that the last explanation of the seconder of the amendment, Mr. T. C. Srinivasa Ayyangar, would really show how much the difficulty would be if we provided for this amendment. It is not merely the well-recognized familiar temple, church or school, but every ledgering of ordinary merchants in the name of charity which is put down as an investment for charity would come under the operation of this Bill if the explanation of Mr. Srinivasa Ayyangar is to be taken; and it would mean the opening up of a vast amount of difficulty and litigation. The fundamental reason why no substantial provision in favour of charitable or religious institutions was put into this measure is this: it is not at all the condemnation of the private life of the ordinary creditor that is the basis of this Bill; it is not as if the ordinary creditor is not charitable and is not doing a number of good things; but it is a case of two or three creditors joining together saying, ' these charitable institutions we are running with the proceeds of our private property ', and these cannot be treated in a different way from the case of a single individual who pays money into a bank and derives interest on it and puts it to charitable use in regard to this matter. The charitable institutions and other associations that wish to invest their moneys, if they invest not in industry, not in banks or

anywhere else, but on the property of an agriculturist such as we are defining here and who is not running any occupation or paying any income-tax, do not come under the protection; and why should we make a difference as against that man and in favour of a charitable institution in regard to the scaling down of interest? There seems to be no reason and that is why I am not able to accept the amendment, especially as it would lead to a great deal of litigation."

The amendment was put and lost.

The House then adjourned for lunch.

After Lunch (2-30 p.m.)

II.—ELECTION OF A MEMBER TO THE MADRAS AND SOUTHERN MAHRATTA RAILWAY ADVISORY COMMITTEE—*cont.*

* MR. PRESIDENT:—" I have to announce to the House that Mr. V. V. Jogayya is the only candidate duly nominated for a seat on the Advisory Committee of the Madras and Southern Mahratta Railway. I hereby declare him duly elected.

" The House will now resume consideration of the Agriculturists Relief Bill."

III.—THE MADRAS AGRICULTURISTS RELIEF BILL (AS PASSED BY THE ASSEMBLY)—*cont.*

Petitions presented.

DR. SIR. K. V. REDDI NAYUDU:—" I beg to present certain petitions to the House under rules 129 to 132 of the Council. Rule 131 says that every member offering to present a petition to the Council shall confine himself to a statement of the parties from whom it comes, of the number of signatures attached to it and of the material allegations contained in it and to the reading of the prayer of the petition. Mr. President, the petitions are too many and I do not propose to trouble the House with reading all of them to the House. The first petition is from the agricultural creditors of East Godavari district; the second is signed by about 25 people headed by Mr. S. Beemiah Chettiyar and Mr. Sambanda Chettiyar, I believe it comes from Coimbatore; the third is from the Merchants' Association of Amalapuram and it is signed by Mr. Satyanarayanamurti and the fourth petition . . ."

THE HON. MR. C. RAJAGOPALACHARIAR:—" On a point of order, Mr. President. Is it the usual procedure to present petitions to the House at any time during the discussions? "

* MR. PRESIDENT:—" Petitions can be presented at any time; there has been no departure from the prescribed procedure."

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DR. SIR K. V. REDDI NAYUDU :—" The fourth petition is from the citizens of Gollalamamidada, Cocanada taluk. There is yet another petition from Kadri, Mangalore, and this is signed by Mr. B. Manjayya Hegde and three others. Another petition is from one Nagammal and is also signed by Mr. S. R. Rangaswami Ayyar."

* MR. PRESIDENT :—" The hon. Member need not read out all the names. It is quite enough if he merely says by how many persons the petition has been signed."

DR. SIR K. V. REDDI NAYUDU :—" The next petition is signed by one Mr. Kamaraju who, I believe, is a retired Deputy Collector. Then there is the petition of Mr. S. K. Sarma. There is the petition of Mr. Sriramaprabhu and two others. Another petitioner is Mr. Narasimmiah, retired Huzur Sarishtadar, Trichinopoly. This petition is signed by Mr. R. S. Vaidyanatha Ayyar. The next petition is signed by about 25 people and is from the residents of Trichinopoly. Another petition is from the merchants of Peddapuram taluk. Another petition is from some banking institutions of South Kanara. The manager of the Uthumalai estate has also submitted an application. The Merchants' Association of Amalapuram has also submitted a petition and it has been signed by 165 people. Mr. Raman of the Valpad Bank, Limited, has also petitioned. There is another petition from Mr. Thimmappa, President of the Mutual Benefit Permanent Fund, Dharmavaram; another from the Cocanada Taluk Creditors' Association and another petition is sent by Mr. Krishna Bhat and he says that the original thereof has been signed by 539 landholders and agriculturists of South Kanara.

" I believe a number of them would have been sent to other members of the Council also. I will not take up much time and I will place them all before you; I am only doing my technical duty of placing them formally before the House as the rules require it. I will send them on to your Secretary."

Clause 4—cont.

THE RT. HON. V. S. SRINIVASA SASTRI :—" Mr. President, I move—

' Add *after sub-clause* (*i*), *the following* :—

" (*j*) *any debt due to a creditor who is an agriculturist.*" '

" I think the amendment is self-explanatory. It will give relief to a large class of people whom, from what the Hon. the Premier stated this forenoon, he is desirous not to exclude from his heart. He told us that agriculture in the abstract was his special consideration. I congratulate him on his being able to pursue the occupation of agriculture so far as to bring even rich folk within the ambit of this Bill. I am now speaking on behalf of a class of agriculturists

[Rt. Hon. V. S. Srinivasa Sastri] [1st February 1938

also, agriculturists who may be in some cases more deserving of sympathy than those who pay kist of Rs. 400 to Government. I am asking that the creditor who is also an agriculturist should be treated as one to whom consideration should be given. There are many poor agriculturists who happen to have a thousand or two thousand rupees, which they have lent to brother agriculturists. Are we to extend our mercy and consideration to agriculturists who are in debt but refuse it to others who may be exactly in a similar position but are not debtors but creditors. If the one class is deserving the other class is also deserving of consideration. He comes under the definition of agriculturist but still he is a comparatively poor man and he cannot afford to have his outstandings wiped out or scaled down simply because he has been considerate to one who like himself is an agriculturist."

KHAN BAHADUR SIR MAHOMED USMAN SAHIB BAHADUR:—" I second the motion."

* THE HON. MR. C. RAJAGOPALACHARIAR:—" Mr. President, the object of the amendment is that, if a person falls under clause 3 of the Bill, any amounts owing to him shall not be scaled down according to the provisions of this measure. It is proposed to bring a separate sub-clause to the effect that this Act shall not apply to liabilities in respect of sums due to an agriculturist. I regret, Sir, I am unable to accept the amendment. It is very ingenuous but very complicated, in fact far too complicated for my understanding. The result will be something which he does not foresee. The complication will be such that no legal tangle can be compared to it. In the first place, any money one agriculturist owes to another is brought under the beneficent operation of this measure; but if he happens to be a creditor and even if the debtor also happens to be an agriculturist, he will have the benefit even as against that person. The result is that if the creditor happens to be an agriculturist, whoever may be debtor, whatever may be his condition, this creditor will have to be excluded from the operations of this measure just like the Reserve Bank of India and other bodies. I submit that it is not possible to accept this amendment."

The amendment was put and lost.

5 Clauses 4, 5 and 6 were put and carried.

Clause 7.

MR. P. PEDDI RAJU:—" I beg to move—

' Add *the following paragraph at the end of clause* 7:—

" *Notwithstanding any law, custom, contract or decree to the contrary and notwithstanding anything contained in this Act, the following property shall not be liable to attachment or sale: agricultural land belonging to an agriculturist subject to a maximum of* 5 *acres wet and* 15 *acres dry.*" '

st February 1938] [Mr. P. Peddi Raju]

" Sir, the minimum that we require under any debt relief legislation s that the poor agriculturist must be saved from being proceeded against ι respect of his land. This House is aware, Sir, that the Civil Proedure Code provides for certain properties not being attached in exeution of a decree and those provisions have been extended so as to give elief in respect of Government servants and other servants who draw a alary which is not liable to be attached. In regard to the agriculturist is cattle should not be liable to be attached. The main theme of his Act is relief to agriculturists. The burden of the song has always een the poor agriculturist. In regard to the poor agriculturist, I ıbmit, Sir, he must have some minimum means of livelihood and e must not be proceeded against in respect of his properties. So ny minimum relief that is given must enable him to have the means f sustenance and a place to live in with his family and children. The revious reports go to show that the poorest man should not be ground own. So in doing all these I say the poorest man should not be roceeded against at least so far in regard to his property so far as a ιinimum is concerned. Now you scale down the debt. The poor man as a small amount of debt. If you want to proceed against a man hose debt is scaled down for anything, you cannot save him unless ιat property is made not liable to attachment. So this is the minimum ou can do because he cannot afford to sell his property and discharge ıe debt. There is no provision in the Bill to that effect and I there- re do appeal to Government to accept this."

THE RT. HON. V. S. SRINIVASA SASTRI:—" I second it."

* THE HON. MR. C. RAJAGOPALACHARIAR:—" The proposal) put a ban upon court's proceedings against a property of a debtor eyond a certain minimum which should be recognized as a unit which hould not be impaired is a very difficult subject to which I do not eny I did pay some consideration in framing this measure. But I ı one, along with my colleagues, found considerable difficulties in ıis matter. An apprehension was felt that fragmentation of family roperties would be the result. So we gave it up. This explanation hope will be considered as a reason why we cannot accept the mendment proposed."

The amendment was put and lost.

Clause 7 was put and carried.

Clause 8.

* MR. D. MANJAYYA HEGDE:—" I beg to move—

' Add *after the words " all interest " the words " more than* 3 *per cent simple " and after the word " thereof "* add *the words " and interest calculated as above or such portion thereof."* '

[Mr. D. Manjayya Hegde] [1st February 1938

" Sir, the Bill allows 5 per cent in post-depression period, when the debtors were not in the position to pay full, because prices were not high. But when the debtors were in a position to pay interest in the pre-depression period I do not see any reason why the creditors are denied this benefit. So in order to give some relief to the creditors in the pre-depression period who are to suffer by this kind of measure this amendment has been given. I think it is better and reasonable to adopt some kind of relief just as the Bill gives some relief to the creditors in the post-depression period."

MR. J. A. SALDANHA :—" I beg to second it."

DR. P. J. THOMAS :—" I feel considerable sympathy for this amendment though it is not in the form in which I should support. I feel the pre-depression debtor is given considerably more relief with regard to certain clauses than it should be given. It might have been possible by a modification of the present Bill to show greater justice as between a person who has paid his interest and a person who has not paid his interest. That of course would mean a change in the whole scheme of the Bill. I would like to have uniform 3 per cent up to a maximum of 25 per cent. But to give the creditors 3 per cent uniformly for the whole period during which the debt has been running, I think would be too much as it would not give any relief to the debtor. So though it might have been reasonable 3 per cent may be fixed with an upper limit. I fear I cannot support the present amendment in this form. I hope Government would see to modification in this line because I do feel as the Bill now stands while the debtor who has paid the interest does not get much relief the debtor who has not paid interest gets greater relief. There is no parity between the two classes of debtors. In order to make that parity I should like to see a uniform policy applied by having a 3 per cent for all debtors and prescribing an upper limit. In fact the relief that would be given to the debtors would be even larger in many cases than the relief which you are now giving under the *damdupat*. Take the case of a person who has paid 12 per cent for sometime. If a person has paid 12 per cent for 10 or 12 years he would be free under 3 per cent, assuming the course that we would deduct the interest already paid. On the other hand under the *damdupat* full relief will come after 17 years which means that *damdupat* works very slowly except in case of extraordinarily high interest and the relief is not very much. I think it gave great relief to some with high interest and less relief to some who have been carefully avoiding paying interest. Though I cannot support the amendment I feel something must be done to remove the disparity."

* THE HON. MR. C. RAJAGOPALACHARIAR :—" With reference to the proposal now made that we should calculate the liability at a particular rate and that we should credit and debit and adjust affairs on that basis, I have already mentioned the difficulty in accepting it when I began to present the Bill. Just now I have only to add that

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it is not the intention of this amendment to give any credits for excess payment. But what is asked for is that 3 per cent should be calculated and given where interest is due and no more. That is to say the benefit of the amendment is only to the extent that it goes to give something more to the creditor than what the Bill itself does and not to give anything more to the debtor than what it does. I wish to say only this in answer to the amendment. We tried this procedure with reference to post-depression debts and we found as a consequence that very much larger numbers of anomalies would arise than by other processes.

"The question of giving some interest is raised; because there is 3
some feeling that over and above principal, unless there is some interest paid, there is terrific injury done. I submit this Bill wants to do something to the dehtor and the creditor without recognizing the principle of the sacredness of some amount of interest being allowed in respect of any old debts. In respect of the more recent debts, interest is being allowed. We must proceed on the principle that old liabilities should be scaled down in some way or other. To add 3 per cent interest materially improves the position of creditors; but would it be easy for debtors to deal with old debts, if we add 3 per cent more to the principal amount as they originally stood. In many cases the old debt will be more than the value of the land. I am sorry I am not able to accept this amendment."

The amendment was put and lost.

THE RT. HON. V. S. SRINIVASA SASTRI:—"Mr. President, I beg to move the amendment standing in my name:—

'Delete "1937" *in sub-clause* (1), *and* substitute "1932".'

'Add *at the end of sub-clause* (1) *the folowing*:—

"*And shall be dealt with a debt due on the 1st of October* 1932, *to which the provisions of clause* 9 *shall apply*".'

"The object of this amendment is to reduce the great disparity that is created between debts before 1932 and debts after that period. Not being an economist, I am not able to understand the hasis on whicb this distinction is made, nor the further point that the dividing line should be fixed at the year 1932. The matter has been discussed in the public press and I am not able to make up my mind as to why there is enormous difference between debts incurred before 1932 and those thereafter. Assuming there is good ground, I am unable to appreciate it. I am anxious to move this amendment and to reduce the difference to a greater extent. That is what I am after. Allow interest up to the year 1937. Debts incurred before the year 1932 and after that year should be treated alike. That is what my amendment seeks to do. I emphasize this, because later on I propose that the *damdupat* principle should be dropped."

MR. P. PEDDI RAJU :—" Sir, I rise to second this amendment. The reason for making a distinction between post-depression and pre-depression debts does not appear to be sound. It is said that the rupee value of the pre-depression period was higher which is agreed on all hands. Whatever the difference may be, taking into consideration that we write off all interest prior to 1932, there is no reason why the interest should completely be disallowed even from 1932 onwards. The amendment seeks to make the position of the creditor a little better than what was intended by the Select Committee or in the original Bill. So far as the post-depression debts were concerned, in the Select Committee it was stated that interest should be calculated at 5 per cent and that some credit should be given towards the principal. That clause has been taken away. I do not see any reason why the post-depression creditors have been favoured by the Government and why nothing is considered in the case of pre-depression debts. We must show some consideration to such cases, seeing that they have not been paying interest for a large number of years. There is no harm in giving some relief to them also and in giving them equal consideration with other creditors. Though I am not generally in favour of any creditor, we must be rational in our dealings with all. Therefore I have great pleasure in seconding the amendment."

* THE HON. MR. C. RAJAGOPALACHARIAR :—" Sir, I am sorry again not to be able to accept the proposal which comes to this, that we should now pass the Bill as if we passed the Bill in 1932. It comes to this, that we must put ourselves back to 1932, take accounts and settle debts accordingly; thereafter they will be treated as new transactions. That is the meaning of the proposal. Take accounts up to 1932; thereafter whatever is due, will be due. The amendment says that it shall be dealt with as a debt due on the 1st of October 1932 to which the provisions of clause 9 shall apply. It exactly means what I said. The only difficulty would be this. If you treat it as having been lent after 1932, the transaction is wholly different from what it was, so far as the debtor is concerned. It is difficult to value things in that manner. After all, the point of view we should take now is how far the liability can be borne and what we should do for the debtor. The intention of the framers of the Bill is that the old debts should not be too great a burden for the debtor and generally the property would not be able to cover more than what is provided for in the Bill. This is all the justification that I can give for this rough remedy that is proposed . . ."

THE RT. HON. V. S. SRINIVASA SASTRI :—" May I request the Hon. the Premier to state the last point anew? I did not catch him well."

* THE HON. MR. C. RAJAGOPALACHARIAR :—" I state it now and I have also stated it before that, in some cases, the *damdupat* principle will not really work to the advantage of the debtor. It is not as if, as some hon. Members said, we are not giving way. There

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is no mystery about it; it is plain. Just a year ago this very legislature accepted the measure in which this principle was accepted for conciliation. Now it can be argued that if it was good enough for conciliation, there must have been something in it and that is what induced us to adopt it in that measure as a simple way of dealing with very old transactions. Let us remember that debts incurred five years prior to 1932, would be ten years old now. It may be argued that if we accepted the *damdupat* principle as something at all, . . ."

THE RT. HON. V. S. SRINIVASA SASTRI:—" I am not entitled to make another speech; I think I must take your leave to point out that it has been conceded on very good authority that the acceptance, on a previous occasion, of the *damdupat* principle for conciliation purposes was on a different footing. The *damdupat* principle was not understood then as it is understood in this Bill."

* THE HON. MR. C. RAJAGOPALACHARIAR:—" I am coming to that. I go further and say that the *damdupat* principle has been interpreted in different ways by different people. There is nothing wonderful about that; because this principle was not put into practice by any current law, people understand it differently. There is nothing sacred in the particular interpretation of the *damdupat* principle in the Debt Conciliation Act. There is nothing particularly wrong if it is introduced in this proposed measure. The only new feature in this Bill is this; if a man lends a certain amount and if double the amount is paid, it should discharge the liability; that is what is stated here. The other interpretation is one which we cannot accept . . ."

THE RT. HON. V. S. SRINIVASA SASTRI:—" It will be fitting if I move the next amendment also now. I shall make it regular by moving my next amendment."

* THE HON. MR. C. RAJAGOPALACHARIAR:—" Sir, if that will help me to finish this reference to the *damdupat* principle, I would like to state what I have to say on the next amendment also. Another interpretation that is put on the *damdupat* principle, namely, that whatever one might have paid, and what is recoverable in court at one time should not be more than double the principal; that is one way of interpreting the rule. The *damdupat* principle is applied to actual cash to be recovered in court and not to what has been paid with reference to the discharge of the original debt. All these varying interpretations arise because there is a law which is reverenced more in contemplation than in practice and hence varying people interpret the principle in varying ways. At the same time there is an identity of principle between these interpretations. There is nothing wrong if I say, if a man has paid Rs. 200 having borrowed Rs. 100, it may be deemed discharged. Is it not a better interpretation of the principle than what is proposed in the amendment? Then, there is the third and the fourth way of interpreting this principle also, but we need not go

3-15 p.m.

into all of them. We need not make a fetish of these particular interpretations; one authoritative way has been discovered and we are enforcing it. All that we can say is, we proceed roughly and leaving it at that, I wish to submit that the present amendment does not commend itself.

The amendment was put and lost.

IV.—MESSAGES FROM THE ASSEMBLY.

* Mr. PRESIDENT:—" Before we go on to the next amendment I wish to read the following message, dated Chepauk, the 1st February 1938, relating to the Bill further to amend the City Municipal Act 1919, the Madras District Municipalities Act, 1920, and the Madras Local Boards Act, 1920, as passed by the Legislative Assembly, from the Speaker of the Legislative Assembly:—

'*In accordance with rule 94 of the Madras Assembly Rules, I transmit* copy of the Bill further to amend the Madras City Municipal Act, 1919, the Madras District Municipalities Act, 1920, and the Madras Local Boards Act 1920, for certain purposes (L.A. Bill No. 2 of 1938) as passed by the Assembly *on the 1st February 1938 and signed by me, for the concurrence of the Council*

" I have also to announce the following message received from the Speaker of the Assembly, dated Chepauk, the 1st February 1938.

'In accordance with rule 94 of the Madras Assembly Rules, I transmit copy of the Bill further to amend the Madras City Municipal Act, 1919, for certain purposes (L.A. Bill No. 1 of 1938) as passed by the Assembly on the 1st February 1938 and signed by me, for the concurrence of the Council.' "

III.—THE MADRAS AGRICULTURISTS RELIEF BILL (AS PASSED BY THE ASSEMBLY)—*cont.*

Clause 8—cont.

THE RT. HON. V. S. SRINIVASA SASTRI:—" Sir, I move—

'*that sub-clauses* (2) *and* (3) *of clause* 8. *be omitted.*'

" I have not got much to say because with regard to this also the Hon. the Premier has already replied. But the only thing I wish to say is that in speaking on the former amendment he claimed that the *damdupat* principle had been already accepted in this province in connexion with a previous piece of legislation. His right to quote that as a precedent will be fully established only if the damdupat principle then adopted and as it is now going to be adopted were identical. He now says, may be there were different *damdupat* principles and that there may be two or three interpretations which may be followed. I do not know. I only say that the *damdupat* principle as brought in here is somewhat new to lawyers; they do not understand it in that way. But they understand it as the Hon. the Premier just now stated as referring to an occasion when notwithstanding any payment that might have been made in previous years, the debt comes

be settled finally, and that cash has to be paid. If that is the case, then I should say, the *damdupat* principle adopted here is wrongly adopted. It tends to quash the principle altogether and for reasons not satisfactory. I therefore move that these two sub-clauses be omitted."

MR. J. A. SALDANHA:—" I second the amendment, Sir."

* THE HON. MR. C. RAJAGOPALACHARIAR:—" Sir, I do not wish to add anything to what I have said already. It is well-known to Hindu law-book-writers as well as lawyers that this principle has been differently interpreted in different provinces and that this principle has been appealed to in debt conciliation efforts, and then also in different ways. I do not think we are committing a grave sin in departing from the actual interpretations received at any particular time or any particular place, and if the proposals that are embodied here, I only claim, are mentioned to the ordinary layman, he would understand it aright. Therefore, it is a reasonable principle. I oppose therefore the amendment to omit sub-clauses (2) and (3)."

THE RT. HON. V. S. SRINIVASA SASTRI:—" Does the Hon. the Premier think that the *damdupat* principle was really interpreted as it should be? If so, it would be unintelligible to the common man or woman."

The amendment was put and lost.

THE RT. HON. V. S. SRINIVASA SASTRI:—" Since the other amendment has been rejected by the Council, I beg to move as an alternative the following amendment that stands in my name, namely:—

'*In clause* 8, add *after sub-clause* (3) *the following*:—

" *Provided that no agriculturist shall be entitled to the benefit of this section unless he shall have paid the sum so payable on or before 30th September* 1938 ".'

" I have changed the date so that the debtor may be given eighteen months to pay the amount instead of twelve months as is intended in the printed amendment. My point is this. The distinction that has been made between the dates before 1932 and just after 1932 is based on the difference in the value of the rupee during these periods. If that is the case, if the debts are scaled down and if the principal is quashed also in certain cases, then it is a benefit that accrues to the debtor in return for which something must be given to the creditor. If the creditor is coerced to give so much of his interest and in some cases even to forego the principal, there must be some provision for the creditor after surrendering all these, at least to realize what remains to him under the law. You said that the value of the rupee has changed now. If on a subsequent date the value of the rupee is a certain figure, let the amount be paid

while still the rupee stands at that figure which forms the basis of the calculation; and do not let in an indefinite period lapse so that the rupee may change again in value and the amount due may change again in value and the amount due may also be different. I therefore think it right and most equitable that the creditor should be allowed to realize his debts with the aid of the law which now coerces him so much that he should be allowed to get the aid of the law in at least realizing his scaled down debts."

MR. J. A. SALDANHA :—" Sir, I rise to second the amendment and in doing so, I think, it is but fair to the creditor as well as to the debtor that after wiping out all the interest due, he should be prepared to pay the amount of principal at least and that within a period of eighteen months. If he is not able to do so, Government will have to find ways and means. I hope they have got in their pockets a scheme for paying the debt so that the creditor will get the amount of principal that is due; otherwise it will land both the debtor and the creditor into all sorts of troubles. Government have not stated how they are going to solve the difficulty. The principal remains, the debt remains with all its load and Government have not yet taken the public into their confidence how they are going to solve the difficulty. I think the remedy will be worse than the evil. So, I strongly support this amendment. I hope Government will do something to come to the rescue of the debtor."

THE RT. HON. V. S. SRINIVASA SASTRI :—" Mr. President, as a matter of personal explanation, Sir, I think my point has been mis-stated. In fact, I did not wish to press the Government into taking over the debts and liquidating them. I was not making any such suggestion. I only said that the Government which forces under the law the creditor to forego certain advantages, might likewise be equitable towards the creditor to pay the scaled down debts within a reasonable period. I think the reasonable time will be eighteen months."

* THE HON. MR. C. RAJAGOPALACHARIAR :—" Taking the proposition, though differently put by the proposer and the seconder, which has been duly proposed and seconded, I submit that it is a hard task to understand from the seconder how the principal is going to be paid. Even though the debt is reduced only to the principal, how is the debtor going to repay? The mover suggests that the beneficent effect of this Bill should be at the disposal only of those who are able to pay off the principal amount within a fixed date; that is to say, from one point of view, it is too difficult, too hard, for the debtor, even though the principal is scaled down, to try to pay. On the other hand, the proposer seems to think that it would be good enough, if he pays it within the next eighteen months. It is good enough to provide that as a condition precedent for the scaling down to any extent. If I thought so, I would have agreed

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to it even as I have agreed that from the crops that are raised in the field in the latter portion of the Bill at least one year's or two years' rent may be paid. I would have agreed to that, if I had thought that the debtors in the province can pay off within eighteen months. I fear it is not possible unless a great many more things are done. But it is not intended here. We think it would be enough, if the scaling down is got.

"To make the relief provided for in this Bill conditional upon the payment of the sum on or before the 30th September 1938 is no real relief and it would amount to taking away with one hand what is given with the other. I, therefore, submit that it is not possible to accept the amendment." 3-3 p.m.

The amendment was put and lost.

Clauses 8, 9, 10, 11, 12 and 13 were put and carried.

Clause 14.

DIWAN BAHADUR K. DEIVASIGAMANI MUDALIYAR:—"Mr. President, I move—

'Add *the following as clauses* 14-*A and* 14-*B at the end of Chapter II*:—

"14-*A*. *If any dispute arises between an agriculturist as defined in section* 3 (*ii*) *and his creditor as to the amount payable by the former to the latter under the provisions of this chapter such dispute may be referred for decision by either party to the Revenue Divisional Officer of the Revenue Division in which the agriculturist resides.*

The Revenue Divisional Officer may on receipt of such reference—

(*a*) *decide the dispute himself, or*

(*b*) *transfer it for disposal to an arbitrator or arbitrators appointed by him subject to such rules as may be prescribed under section* 27 *of the Act.*

The decision of the Revenue Divisional Officer or the award of the arbitrator or the arbitrators shall be final and shall not be called in question in any civil court.

The decision of award given under this section shall be enforced by the civil court having local jurisdiction over the subject-matter of the dispute in the same manner as a decree of such court.

14-*B*. *In the matter of recovering a debt due under the provisions of this chapter no court shall, notwithstanding anything contained in any law which is in force for the time being and without prejudice to such law, order the sale of*

such portion of the landed property of an agriculturist as is in its opinion necessary for the maintenance of himself and his family." '

"I expected that the Bill would contain a provision by which the amount payable according to the provisions of the Act may be decided. At present, as the Bill stands, the creditor or the debtor will have to go to court to find out the amount payable under the provisions of the Act if a dispute arises; and we know what it means for a debtor to go to court. I feel that by our putting him to the necessity of going to court we are taking away with one hand what we gave with the other. The cost of litigation will surely diminish the benefit which he would otherwise have obtained. I would, therefore, suggest a simple procedure by which the amount can be decided without much expense to the debtor."

DR. P. J. THOMAS:—" I rise to second the amendment. In doing so, I would like to point out that the only way to give real relief to the agriculturist is by settling his whole debt not merely by scaling it down. I am afraid no procedure towards the settlement of such debts is provided for in the Bill. I know there was a very useful amendment originally given notice of by the Premier, but it has not been proceeded with. I do not know what happened to it and how it was left out. It is a pity that the Government have not made any provision for some kind of tribunal for settling the debts in a summary manner. I feel that the settlement of cases by the ordinary law courts takes a long time and a lot of expenditure to the client. When many people are immersed in debts we can proceed very quickly with the settlement of debts if we have a court which would go into the matter immediately and decide the case on the spot. The proposal made in this amendment, it seems to me, is the least expensive and the most efficient. It may cost a little more if a munsif were asked on particular days to carry out such work: that is why I say let us have the revenue officers to do it; they have a local knowledge and they will be able to decide the matter in a very short time. Indeed I do not mean that the person who owes will immediately find the money to pay off his debts. There may be cases where the person would be allowed instalments; in other cases a portion of the lands may pass into the hands of others; while yet in other cases the whole land may pass. It all depends upon the particular position of parties. Generally the debtors want to keep on to their lands in the hope that they may pay off in instalments. They are in two cases out of three unable to pay the instalments. In the end the land passes into the hands of others. What I suggest is that there ought to be a machinery to salvage the whole question of indebtedness; in order to salvage the whole thing, you require somebody who could go into each case on the spot and settle immediately on the lines of insolvency procedure without calling it by that name. I feel that such a thing alone would be a real settlement of the whole problem. This is the legitimate and proper corollary to the admirable scheme put forward by the Government for the relief of debt. In commending this

resolution to the House, I hope that provisions will be made for steps being taken in this direction. It may be that we may get this done by means of an amendment to the Debt Conciliation Act. In case it is not going to come up, I would request the Premier to accept the amendment."

* THE HON. MR. C. RAJAGOPALACHARIAR :—" Mr. President, there is a certain amount of confusion between the scaling down that is the basis of this measure and the scaling down under the Debt Conciliation Act. In regard to scaling down by conciliation, the suggestion contained in the amendment is quite proper. But where we have, rightly or wrongly, the approval of the Legislature for the measure, there would be nothing to be done by the conciliation process. All that remains to be done would be to adjust the properties against debts or otherwise to find the money for the liquidation of the debt. As to how much is due to be paid according to the provisions of this Bill, the scheme of the present Bill gives the actual determination of these issues in accordance with the rules, to the ordinary courts. If we are to set up the tribunals for the same purpose, then we shall have to find out a way of dealing with conflicts that may arise between issues as decided by the one body and the other. It would be difficult. In the case of conciliation measures, there would be no conflict between the conciliation and the legal decisions; but where we provide legal issues to be decided in a legal and definite way according to law as we do in this case, and yet have a provision for special tribunals, we shall have to provide against conflicts between the summary courts and the ordinary courts. By way of assurance, I may tell the hon. Member that the Debt Conciliation Act already passed is not to be repealed. The machinery set up for conciliation is already there to be availed of hereafter. But here we have a measure which provides for definite rules and principles to be followed which have to be clearly accepted. But all the same the Debt Conciliation Boards will still be there and would really be doing more work than they have been hitherto doing. So, I would request the hon. the Mover of the amendment to withdraw it."

DIWAN BAHADUR K. DEIVASIGAMANI MUDALIYAR :—" I only wanted that there should be in this Bill a provision to show that conciliation be resorted to instead of going to court. I withdraw the amendment in view of the assurance of the Premier."

The amendment was by leave withdrawn.

Clause 15.

THE RT. HON. V. S. SRINIVASA SASTRI :—" Do I understand that my amendment in respect of clause 13 has lapsed? I am very sorry I was not here. Under clause 15, I move— 3-4[illegible] p.m

' Delete " 1345 " *and* insert " 1344 " *and* make *consequential amendments.*'

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"This is to ensure that the zamindars would have their rents for the year 1345 also. The Bill as it stands would secure for them 1346 and 1347 and not for 1345 except in cases where legal proceedings are *adopted. Mr. President, I am speaking* in favour of zamindars for a minute. The zamindars are a class who come in for hard knocks under this Bill. There are some zamindars who stand to lose something like 20 lakhs and others 10 lakhs. If we allow them rents for fasli 1345 their losses will be *a bit less*. I do not know that I should say much more because I only plead for a little mitigation of the blow that falls on them. In the House when amendments of a similar character were discussed the Hon. the Premier made a statement as to the nature of the zamindari tenure and the character of zamindars which if really has been at the back of his mind have been somewhat of a virtue. I am sorry that I must ask the indulgence of the House for a minute while I state the Premier's position and then say something in modification of that. The Premier contended that the zamindars were something like public servants receiving consideration under certain form of Government in which case landlords in the ordinary sense of the word had a parallel in Tahsildars and other Collectors of revenue and if their rents fall in arrears they must pay the penalty. I venture to think that his view of the status of the zamindar is particularly unfortunate as it has been laid down in defence of a provision. Those of us who have studied the history of India the status of landholders and particularly of this class of people know that there are two theories on this subject. These theories have eminent authorities each in its favour. I may say at once that I am myself in sympathy with the theory that the Premier advocated. I really think that the zamindars should be relegated to the position of rent collectors. But it is not open to me to dictate the course of debate and I venture to think that it is not up *to the Premier either. History has taken a certain* course and there are eminent authorities who hold the view that the zamindars are something more than mere collectors of revenue and that they have interests and rights in land which are secured to them by the law of the land. It may be a bit inconvenient to the Premier and I may dislike it. But there it is. The zamindars, Sir, whatever the authorities may be are certainly in a position very different from that of the Tahsildar. They are not mere rent collectors. There are passages in the book on land tenure which declare that they are landholders as well. Moreover what is the scheme of the Madras Estates Land Act? That very Act shows that zamindars are not merely rent collectors. They are treated as holders of the lands over which they collect revenue. They can dispose of or sell their life estate during their lifetime in favour of charitable institutions. They can create other trusts. I cannot see how they can be treated anologous to the Tahsildars. What can they do? They can go the next morning and eat the dust. They will suffer the penalty inflicted on them by the Government. But these zamindars are not like that. They have rights over their land which may not be disturbed. I venture to think that they are not exactly

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owners of land. But this very Bill described them as landholders. It therefore seems to me an expression which has fallen from the Prime Minister in the heat of consciousness. The zamindars are entitled to some consideration much as I may wish that the Premier was right. It is impossible to say ' yes ' to his proposition. He threw them very wide and when he was thus depriving them of their dues he went on to say as if he wanted to add insult to injury, ' We are nothing more than public servants ' and on considerations no more cheap stated than he."

KHAN BAHADUR SIR MAHOMED USMAN SAHIB BAHADUR:—" I beg to second the motion and say how glad I am that the hon. Mover has taken the right view as he has taken with regard to the *zamindars*."

MR. J. A. SALDANHA:—" I support the motion."

* THE HON. MR. C. RAJAGOPALACHARIAR:—" I am sorry again I am not able to agree to the proposal that 1344 should go forward and not 1345, i.e., the amendment to which support has been given by the Leader of the Opposition and Mr. Saldanha. As regards the other observations I am coming to them presently. As regards 1344 instead of 1345, I have only to say that to make the year's crops the basis for payment of the year's dues is one thing. To make it the basis of two years' due is also something. But to make the tenant liable to pay if he had not paid till now out of the income of the property this year three years' arrears appears too much. That is the only reason for putting it so. The man who has found it necessary to remain in arrears cannot be expected to pay all arrears for more than two years especially seeing that we are making it a condition precedent to be written off. More than that there is no ground whatsoever to expect from him. But, Sir, I was subjected to very strong reproof from the hon. Member for having enunciated a principle, which however good it may be on its merits, has not been good according to expert administrators and investigators with regard to what the position of the landlord and tenant is. Sir, it was not my intention to lay down the law when I said in the course of the speech that I would prefer and I would ask landlords themselves to prefer to look upon themselves as public servants than as owners of the property. It seems to have appeared that I managed to whittle down their status and added insult to injury. As a matter of fact, Sir, I meant it more as an appeal than as a matter of coercive legislation when I asked them to look upon themselves as public servants and to imagine that they were collectors and tahsildars and revenue board members rather than as mere owners of property. This is no insult or injury. I blame the landlord for allowing the arrears to go up. It is only to that extent I blame him. He is a public servant.

" The zamindar unites the capacity of a public servant as well as the owner of property. It is right for me to draw attention that he should not forget the fact that he is a public servant and that he has not done 4 p.m

kindness but that he has done harm by allowing the tenant to fall into arrears. If you allow him to remain in arrears for two years, what can you expect him to do in the third year? You have done him harm; as a public servant you have failed in your duty. It was not enunciation of law or theory of rent. I gave only one aspect of the matter to enable him to reconcile him to the very drastic cuts in the arrears. I have seen in Bihar and other areas where the Permanent Settlement system is in greater vogue, that large tracts as large as our districts, are entirely under one zamindar. There is nobody to collect revenue, nobody corresponding to the collector here. The zamindar is the collector. Is he not a public servant? Are we to imagine that they own all the thousands of square miles of their estates? The hon. Member said that zamindars are owners of land and not tahsildars. They cannot get the assistance of collectors; they themselves have to supervise their estates.

" Sir, this point is not very relevant. I am glad that occasion has been given for me to say that what I said was not law or the basis of executive despotism. It was merely a statement of the principle on which this Bill has been framed and on which I want this Bill to be accepted and worked. Though the hon. Member has differed on this point, he has given his general assent to the general principles of the Bill; I do hope that he will give support on its merits to the proposition that I put forward to the extent that it may compel with greater force, all the zamindars to work in the spirit of public servants, even though it may not be law.

" There are varying views as to rent and revenue; there are varying views about the revenue that we pay, that the ryotwari holder pays to the Government. Sometimes Government claim it to be rent and some claim it to be a tax. There is nothing in the name, provided arrears are cleared."

The amendment was put and lost.

Clauses 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 and 28 were put and carried.

MR. P. PEDDI RAJU :—" There is an amendment given notice of that a new clause be added after clause 20."

* THE HON. MR. C. RAJAGOPALACHARIAR :—" The fact that clause 20 has been put and carried, does not affect the amendment. The amendment is that a new clause be added to the Bill after clause 20. Such an amendment is an amendment to the whole Bill. If it is carried, it will be inserted in the proper place."

Clauses 1 and 2 were put and carried.

The preamble of the Bill was put and carried.

* THE HON. MR. C. RAJAGOPALACHARIAR :—" Sir, I move—

' *that the Bill as passed by the Assembly and as approved by this House now, be passed into law* '."

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THE RT. HON. V. S. SRINIVASA SASTRI:—"I desire, Sir, in conformity with custom, to make a few observations of a general nature as this Bill is bound to be passed into law. Mine has been to-day the unfortunate fate of so many of my babies strangled before me and if I may derive any consolation at all, it is from the fact that the fathers of other babies shared no better fate. This Bill, Sir, in this House at all events, has had an extraordinary course. It came to us here at 10 o'clock this morning and it is now about a quarter after 4. A highly contentious measure involving the rights and interests of thousands upon thousands of people is passed in the House in a few hours and although Members desire great many changes to be made, not one of them is accepted. I dare say it reminds me of the fate of the proposals of His Highness the Aga Khan and Sir Tej Bahadur Sapru at the Round Table Conference and at the Joint Select Committee sittings. They had a very large number of proposals that were regarded as excellent in the interests of India and the Indian people and their welfare. The Joint Select Committee seemed to think that they could understand these matters about foreign people and their interests very much better than those gentlemen themselves. As a result, they, in their wisdom, thought that there was nothing in all those proposals and they went on enacting a constitution for the entire future of India just in accordance with their wishes and with as little conformity with the wishes of the subject nation as possible. The Hon. the Premier is evidently in a similar state of mind; having once decided on the provisions of the Bill he has no further reason to listen to the voice of the other people to make improvements, though in their sincerity they advocated new amendments. He seems to think that there is no need whatever for him to change his course once he has chalked it out for himself.

"Sir, we are not, on this side, an organized opposition. We do not act as one man. In fact, I stand for myself exclusively. There are one or two others here who stand in a position similar to mine of absolute independence of everybody else. We are independent of each other. We labour therefore under this radical disadvantage of being in an unorganized position. It is not as opposition therefore that we propose any amendments here, the duty of the Opposition being in most constitutional countries conceived, in my judgment, to be that of opposing the Government measures, whether they be right or whether they be wrong. All our amendments, I can assure you, were proposed in thorough good faith. We think they are well conceived; we think they are in accordance with the dictates of justice. We thought at the same time that they were nicely balanced in the interests of the creditor and the debtor; at least some of them if they had been accepted, would have led to the material improvement of the character and the position of the Bill. 4-15 p.m.

"It is astonishing to me that it has not dawned on the Government side that there might be something in some of these amendments which

they could accept. On the other hand, even in the one or two cases where the Premier admitted that he had a doubt and that possibly there was something in his mind, he allowed himself to be overwhelmed with the difficulties, the complications and the anomalies that might arise, in one of these innocent amendments. For instance, I ask him, Sir, is his Bill so simple, has he drafted it on easy lines, is it free from complications and anomalies and difficulties? I am sure every clause there is going to give rise to an enormous amount of difficulties when it gets to be operated. Lawyers of the land who raised their voice on the Moratorium Bill are now silent. They know that there is plenty of work that they will have to do, and this Bill has provided for it. There are difficulties and if the Prime Minister is brave enough to undertake all the risks that his proposals are likely to involve, then I ask, has he paid any regard at all to the views of his compatriots and why should he shrink from the difficulties and anomalies which they pointed out? But, it was decreed that the car of Jagannath must roll forward and come to its destined place; what does it matter if innocent babies are consigned to their doom in the process? May I say, Sir, that this Bill is vitiated by one circumstance? This Bill apparently considers that debtors and creditors are like lambs and wolves, always at each others' throats, the lambs in the end getting the worse of it. Sir, when we were all children and little boys we indulged, rather thoughtlessly I think, in these primordial sympathies and antipathies. We thought we could broadly divide the people into two; all the angels and the oppressed on the one side and the devils and the oppressors on the other. It is a simple classification. It shows the unevolved state of mind; it may lead you into the doing of acts and the entertaining of thoughts of an amiable character; they are mostly unrelated to the facts of the world, and as we grow older and older and see things around us, we find that where people are interlocked in apparent combat, all the rights are never on the one side and wrongs on the other. There are good people on one side and good people on the other; there are also bad people on the one side and on the other. Our sympathies, ought not, if we relate ourselves to the facts in the universe, to be extended wholly to the one side and denied altogether to the other.

"Now, Sir, are not we aware, I and everybody here, of many a debtor entrenched in social circumstances which render him comparatively impervious to the attacks of creditors? Are we not aware of debtors who persecute their creditors, who will not listen to their demands, who will not pay the interest properly and who if challenged only tell them, go to the devil? We know that there are people of that kind and I do not say every debtor is like that, but there are people like that. There are also creditors who are very bad people, who make it their business to lend moneys and then persecute people whom they have brought within their clutches and deprive them even of the means of their subsistence and make their lives one long stretch

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of misery. We know there are bad people on both sides and in the holding of the scales even as between the debtors and creditors are we not as statesman and legislators and as people who make ourselves responsible for the welfare not simply of one part, but of all alike, bound to see that justice is done as far as possible even to the unfortunate creditor? What is the creditor after all? He is not an essentially wicked man; he is not pursuing a dishonest profession. I beg leave to differ emphatically from what has been repeatedly said on the other side in regard to the principles underlying the statement that interest is something in itself wicked, that the lending of money for consideration is in itself a degrading and debasing transaction. I refuse to lend my assent to that theory even as I have differed from the Prime Minister when he ventured on the proposition in this House that drink was a sin. I know he holds that view but in commending prohibition to us he was extraordinarily careful. He made a very fine appeal to our sentiments on that occasion. I was astonished to see that this Bill has as its background that the taking of interest is itself something against the progress and welfare of humanity. But in this province as in other parts of India, various measures have been set on foot to keep well in hand the devastating activities of these money-lenders. By all means do that, but I am emphatically against the theory that he is a sort of evil-being who must be smitten as soon as he shows his head. These sympathies and antipathies, it seems to me, have lain somewhat in the background of these proposals and that is why we find that the scales are weighed so heavily against the creditors throughout this Bill.

"There are one or two other things that I should like to say. Our Premier is a great expert in the manipulation of proverbs and parables. Sometimes, it may lead him, I am afraid, into dangerous positions; or a parable can be met by another parable, an aphorism can be countered by another aphorism, and a simile may be rendered ridiculous by another simile. We were treated this morning to a statement of this kind. He said that more can be done in the hurry of four days than in the leisurely march of fourteen days—rather a cold statement to me made. May I say that it is very likely that in the four days hurried march, much error has crept into our deliberations and a great deal of ground covered to-day will to-morrow have to be uncovered; and what we do in haste, we have to repent at leisure? Is this Bill going to sail unamended all through the long future? No. Haste, according to a proverb, makes waste. That proverb is only a proverb after all to be accompanied by other proverbs. I do not say, therefore, that it goes wrong if you finish in four days, but if it was finished in four days, it must have been because there was not much—but I have no right to speak on what took place in the other House. I do not think that in spite of the courteous and respectful replies of the Premier to our amendments, sufficient attention was paid either to the need for an equitable measure or to the just nature of the Bill.

"One thing more, I would say further. I have always considered that a Bill of this kind which disturbs the economic basis and threatens the very institution of credit, would be justified only if it can confine itself directly within the iron bounds of necessity. Every single case where justice was violated and man's rights were taken from him ought to be defended against all attack. I am afraid, Sir, that if help is to be given to the poor and to the deserving, the help afforded by this Bill to wealthy landlords is illegitimate. We have made it legal, but it is thoroughly illegitimate. It is a help that ought not to be given in my opinion. I would say while on this subject, that the unfortunate peasants upon whose labour we all live and who make the land plentiful and fertile, are excluded from the scope of this Bill. I do not forget what the Premier has said. He promised us another Bill dealing satisfactorily and fully with this class of people. He was good enough to hope that I would support him when he brought forward that Bill. I will pledge my word to-day that he will have my support for that Bill when he does produce it. I only wish that he would produce it quickly for he has given a subordinate interest to the peasant; and in my judgment the peasants deserve to be helped first, for, if as he said in the other House people are dying of poison, as good an antidote as possible should be provided for these poor peasantry.

"It was this disparity between the treatment accorded to the peasants and the treatment that is accorded to the big landlords that puzzled our minds. It is a puzzle to all of us. That is why my hon. Friend, Mr. Saldanha, allowed himself the liberty of attributing motives and was promptly pulled up.

"With the general object of the Bill, I am in thorough sympathy. The object of the Bill is to take off the heavy load of indebtedness from the backs of people who are groaning under it. I am in sympathy with that object; but I cannot approve the methods adopted to bring comfort to the sufferers. There are various other ways of doing this which would have been more compatible with the line of attitude one ought to take up in doing what he ought to do to others in a matter such as this. It is, Sir, an example of how people often blunder when they see an evil before them which cries for remedy, especially when in social legislation and other matters of the deepest consequence in life, time has heaped upon us many inequalities and many injustices which we would like to put right. If we wish all of us to start humanity on a fresh line of progress, it is not enough to be struck by the evil, it is not enough to give the sympathy of your heart in full and in abundance to the sufferers from this evil, it is not enough to be guided by good intentions. It is necessary in social and economic legislation that good intentions must be carried out on the basis of ascertained facts, on the basis of co-ordinated justice and on the basis of well-adjusted measures for the achieving of the great results which we all desire. I fear that sufficient consideration has not been paid to these aspects

f legislation in the Bill before us. While with the object of the ueasure none may quarrel, the precise provisions embodied in the Bill or the achievement of the object are not such as would commend hemselves to me. Our endeavours to make it a more efficient instruuent of social amelioration have ended in nought. Therefore, Mr. 'resident, with the greatest pain, I have to record my vote against his measure while at the same time I do claim that with the fundauental objects of the Bill I am in profound sympathy."

Mr. J. A. SALDANHA:—" Mr. President, I want to add a point r two to the remarkable speech of my hon. Friend, Rt. Hon. Srinivasa iastri. Like the car of Juggernaut, the Premier and his party move n, headlong crushing all underfoot. I would go further and say that his is not the case of the ordinary car moved by human power but y electric current travelling at high speed and moving down everyhing before it. What I complain, and bitterly complain is this, nd I am sure every Member of this House would join with me in hat—that we have been treated in this discourteous manner from he very beginning. They are slighting us by saying that we shall ave to say ' Aye ' to what all the Lower House says. Of course the 'rime Minister has his majority. But even with such a big majority, ve should not be denied the ordinary courtesy of giving us some time or the consideration of the Bill. The *Moratorium Bill* was before ıs for some time and then another Bill with a far extended sphere of ction has been introduced and the whole world is watching us. His ıajority ought to have been the very reason why he should have treated s with more consideration. That apart, the Select Committee conluded consideration of the Bill within four days and the other House lso devoted four days for the consideration of the Bill but we are xpected to start discussion as soon as it is placed in our hands. I eceived the copy of the Bill at 9 o'clock just as I was starting for the 'ouncil after finishing my breakfast. I had no time to give notice of mendments; I had scarcely the time to read through the Bill. The ıotion that hon. Members gave for the consideration of the Bill fter a week has been rejected and even the modest amendment seekng to have the discussion to-morrow has been rejected. Is this the ourtesy that is being shown to us? I consider it is nothing but slight nd insult. The Premier may have some business at Wardha; but I ubmit that his first duty is to the House, to the Presidency. I hope hat such occasions will not arise in the future. If we are to be reated like this for ever, one naturally has to ask what is the use of this House. You bring things in a hurry and want us to approve hem immediately. I should protest against this indecent haste and I ıope it will not be repeated. Why are you going to give the benefit f the measure to rich landlords and ryotwari landholders? How are hey in any way poorer than the janmis for whom an upper limit has een fixed? All these things we had to consider. Personally, I wanted o give notice of amendments to that effect and did in fact give notice

of some. But they were returned to me stating that that was not the time to give notice of them. Therefore, I sincerely suggest to the Prime Minister that he may as well bring in a motion to the effect that the Second Chamber may be abolished. It ought, if it should exist, to be treated with more courtesy. Though I was at one time in sympathy with the principles of the Bill, I have now no option, seeing what all has happened, but to vote for the rejection of the motion."

MR. B. NARAYANASWAMI NAYUDU :—" Mr. President, I should join with the Rt. Hon. Mr. Sastri in protesting against the *manner in which this Bill has been passed through this House.* I should submit to you, Mr. President, that in the arrangement of Bills on the agenda of the House, the date when the Bills were circulated to Members may be kindly taken into consideration and at least three days ought to be allowed to us from the date on which copies of such Bills were placed in our hands.

" We on this side wanted some time and we moved that the Bill be taken up some days afterwards. But that being negatived, we expected that some consideration would be given to us—I was about to say they would at least be merciful—and that the Government would accept the modest amendment for the consideration of the measure to-morrow. I hope that such occurrences would not happen hereafter. I hope that the rule insisting on three days notice will be observed in future. Another point is that usual notice regarding the bringing in of motions before this House should be given to this House after the Lower House had passed any measure; and unless there is any extraordinary circumstances, the period of notice should not be waived. Is there any extraordinary thing that has happened that can justify the taking of this step? Absolutely none. On the other hand, such a *procedure has become a matter of ordinary day-to-day occurrence.* During the six months we have been here, we have seen how every now and then such things have occurred. See how the Prohibition Bill was got through this House. And now we see how this Bill is being passed. The Assembly sat from the 27th and we are asked to sit from the 31st. Did the Government expect the Assembly to pass the measure after a day's consideration? They did not expect; but all the same that has been put down for consideration for the 31st. The idea was evidently present to the mind of the Government that any objection on the score of insufficiency of notice may not be seriously taken notice of. One begins to wonder why the rules are there if *they are not* to be followed. Of course, on special occasions no one will grudge it; but my complaint is that no such explanation of any extraordinary circumstances has been given by the Government.

" Coming to the Bill itself, this Bill only deals with the indebted agriculturists. It only thinks of giving relief to individual agriculturists and scaling down their debts; but there is not a single explanation as to who is an indebted agriculturist. Is the relief to be given

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to all irrespective of whether they want relief or not? Is it not to apply to those that are unable to meet their obligations? Is it to apply to all and sundry simply because that person owns some lands? That is why the Opposition wanted to have an upper limit in the case of ryotwari landholders. No one could for a moment say that they were poorer than the same class of people, I mean the janmis and estate-holders. What is the reason why the latter have been brought under the beneficent provisions of this measure? We have had no satisfactory explanation from the Government in this regard. I wish to submit to them that they have not correctly interpreted the principle of damdupat; but yet the provision is there. And the Opposition had not even the time to read through the Bill to see if everything was all right. Another question of fundamental importance is the absence of an upper limit. It has been contended that Government were only concerned with the question of agricultural occupation. Is it by any stretch of imagination believable that big ryotwari landholders themselves attend to agriculture? Or is it seriously suggested that whatever debt they contracted was for the purposes of agriculture? Is it their intention that they ought not to meet their obligations however able they may be for meeting them? Do they propose to make them a present of the sum at the expense of a person with whom they had entered into a contract to re-pay a certain sum?

"Is it a Bill to relieve indebted agriculturist? All legislation 4
which has been referred to by the Parliamentary Secretary for Agri- P
culture has been legislation only with regard to indebted agriculturists. Other legislation will show that this Bill has failed signally with regard to agriculture. So far as the indebted agriculturist is concerned, is there any definition here? The principle stated here is the relief of the burden of the ryot. But in whose favour is it? Everybody here is agreeable to scaling down. But this legislation is contrary to all legislation. If you take legislation in America, or Germany or the Central European countries, the first thing the ryot has got to do is to show that he is unable to pay his debts. Even the agriculturist who does not want to forego interest is obliged to look askance. This Bill does not define who *is an indebted agriculturist* and that is why so much bustle is created in the minds of so many that it is defective. Indebted agriculturist is a person whose debts at least exceed half the assets. If that is so, then, all this confusion, all this favouritism or charge of favouritism will disappear and I am only sorry that this description has not been acted upon. It will be seen that the present Bill is only a legislation for scaling down debts. I am not complaining about the sanctity of contract. You have cut down the rights of contract, for whose benefit? There should be no doubt about the cut and the weighing down of the load. But I cannot understand a legislation for all agriculturists, no matter whether he is able or unable to pay. After all, is there any process by which you can find out how much debt will be scaled down by this measure? There was a proposal by the

Premier that there should be courts. That has been taken away. That will enable a man to come and say: My debts are these and I ought to be relieved. Even that will not be available to us.

"My next point is this. On that point, the rule of damdupat has been raised. Does the Hon. Minister want to say that the ryot has been prosperous enough and has been paying interest on the principal? Does he want to say that he ought to be relieved on that ground? I certainly think that he does not want you to believe that. It is not that we quarrel with the principle. The quarrel really is not with the agriculturists in general. It must be for the agriculturist who applies for relief and wants relief. Otherwise, there is no meaning in this Act. After all a sweeping generalization has been made. Does it at least enure to the benefit of the agriculturist section? The real programme that has been attempted in European countries and the United States of America is that something more than scaling down is absolutely necessary. Just as an example I shall read with regard to America, as to what they did there: They passed a law—

'to relieve the existing national economic emergency by increasing agricultural purchasing power, to raise revenue for extraordinary expenses incurred by reason of such emergency, to provide emergency relief with respect to agricultural indebtedness, to provide for the orderly liquidation of joint stock land banks, and for other purposes.'

Here we have got absolutely nothing. There is only one programme of scaling down debts. With regard to increasing agriculture or to raise revenue and other things, they do not find a place at all. As a matter of fact one Member asked, 'What are you going to do with regard to the scaled down debts?' Absolutely nothing has been stated so far. Lectures have been given by Parliamentary Secretaries but there is no information as to whether there has been any policy initiated or not with regard to the raising of agricultural prices or with regard to redemption of lands or scaling down. Not even the policy has been stated so far. The debate has been raised in this House. But it has been said that the measures are in the pocket about which we are not able to know anything. The result of the survey of the fundamental problem, the problem of solving indebtedness, is always held to be associated with the raising of prices of agricultural produce. That has also been referred to by the Parliamentary Secretary. Costanzo's article says:

'It (adjustment of agricultural debt) consists of temporary and partial experiments which endeavour to regulate in the same way very different cases and give the impression that the remedy is worse than the disease. It is essential, on the contrary, to go to the root of the evil, which is, in fact, the insufficiently remunerative level of the prices of products.'

"Therefore, it is essential to go to the root of the evil. This Bill attempts to say that this is an Agriculturists Relief Bill. There is not a single provision in the Bill with regard to it, with regard to the control of prices and with regard to the basic products of the country. Is there a single thing to tackle the problem of rural indebtedness except

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by the application of the knife? It is not the knife of the present day modern surgeon, but it is only a barber's knife. (Laughter.) My fear is that the barber's knife will not solve the problem. Even with regard to countries which attempt legislation to co-ordinate lines with regard to the credit institutions and with regard to the agricultural level of prices, even there the verdict of history is that this kind of legislation is absolutely injurious. The article goes on to say:

'To give a faithful account of the situation, we must note that the radical measures adopted in certain countries (compulsory reduction in the rate of interest and of the capital sums due, application of moratorium) have usually had results contrary to what was hoped from them, as they made it impossible for the *financial institutions to meet their engagements* to their depositors and the persons who provide them with capital. There resulted a contraction of the *operations of the credit institutions, which were obliged to refrain from under*-taking new credit transactions or to restrict such trausactions. It is hardly necessary to recall that present day economy is based on credit and, accordingly, that whatever is likely to distnrb the delicate mechanism by which savings are transformed into capital and, as such, flow into productive investments, is to be firmly rejected. The fact is that wherever energetic measures have been taken, the persons who have been called upon to make sacrifices, and pnblic opinion in general, have strongly reacted, and violent disputes have often broken out, rendering necessary the adoption by the public authorities of new measures in order to calm the people.'

"This is the verdict of history, Sir. The verdict of history is against that kind of legislation especially when it is not co-ordinated with banking, rural credit and the raising of agricultural prices. Shorn of these things what is the net result of this Act. The net result of this Act is nothing more than giving the benefit simply to A, B and C. In giving these persons the benefit I know the real persons who are weighed down by debt is D, E and F. This Bill really has no parallel at all. If at all I can think of a parallel, as the Right Hon. Sastri said, it is simply nothing more than a class legislation. The rumour is current and widespread that it is designed specifically to benefit certain people. I do not say that the Treasury Bench is actuated by any such motive. I do repeat again that the effect of the legislation is the loss incurred by the zamindars which is worse than the gladiatorial shows of the Roman Empire to please the mob. The net result is nothing more than that. Therefore it is our duty to enter our emphatic protest."

DR. SIR K. V. REDDI NAYUDU :—" On occasions like this at the third reading of a Bill asking the House to pass the measure into law the custom has long been to my knowledge that the Prime Minister or whoever is in charge of the Bill would give us some account of what had passed, would give us some account of the achievements of the Bill, how we had formed wrong impressions and how the Council was able to get over them. Unfortunately on this occasion, the Hon. the Prime Minister who did not introduce the Bill,—it was done by his lieutenant, the Leader of the House,—has taken charge of the Bill this morning and has been meeting the Opposition on every resolution and every amendment. I thought that he would have given some account of the manner in which he used the result of the deliberations

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not merely of the Select Committee, not merely of the House below but of this House as well. We are denied the privilege. It would have given us some consolation to hear from him how he tried his best to meet the various criticisms levelled on the floor of this House and elsewhere, not merely in the Lower House or as I should say not merely in another place but in public meetings throughout the country where resolutions are passed in various associations and not the least through the columns of the local dailies. Perhaps this is another step, only another phase of those instances of the scant courtesy shown to this House about which my Friend, Mr. Saldanha, was complaining a little while ago. Be that as it may, Sir. In introducing the second reading of the Bill the Hon. the Prime Minister was quite unable to let us into the secrets, if I may so call them, or to take us into confidence.

D. "The Hon. the Prime Minister took us into some confidence and told us that the Bill has passed through its various stages, that it has been exhaustively considered in the Joint Select Committee, that every shade of opinion has been represented, the Members of the Opposition and other parties being there and discussing it for four glorious God's good days. Unless I am greatly mistaken in my reading of the papers if they have been correctly reported, I think he was good enough to honour the Lower House by moving the third reading with a speech, which courtesy he felt himself unable to extend to this House. As far as it appeared in the press, I have to some extent been trying my best to follow what was being done there, and how far the Bill progressed. Mr. President, I have given my best attention to it and I find that it is the same old leopard with the same old spots, the same stripes, the same old marks. What has been changed is nothing and in some respects the Bill has been made worse than what was originally introduced and more disadvantageous for those for whose benefits it is supposed to have been introduced.

"Complaints have been made in this House and I was one of the complainants to the fact that the Bill has disregarded the sanctity of contracts. That disregard is still there. We complain that the sacredness of the courts and of decrees on which so much has been relied upon by the people of the country has not been valued. People used to say whatever the Government may do, there is the High Court and there are other judicial courts to set right. When the Estates Land (Amendment) Act was passed and when powers were sought to be given to divisional officers to try suits between the landlords and the tenants so far as rent was concerned, a huge cry was raised that the jurisdiction should be given to civil courts. Why did they say that? Why did my hon. Friends who at that time belonged to the same party as the Hon. the Prime Minister belongs now, argue that the power should be vested in the civil courts? Was it not because they relied upon the sacredness of the decision of the courts? Those decisions are now tried to be trampled under foot to-day; the Bill says decree or no decree, execution

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or no execution, let the provisions of the Act apply; let the Judges revise their decisions in the light of this Act. Mr. President, a large number of people rightly complain that the vested rights of the ryots are trampled down again. The Joint Parliamentary Committee after hearing the evidence of so many people assured to this nation that their rights and vested rights would be secure and safe. Rights accrued, rights consolidated and sanctified by decrees of court are treated as scraps of paper. I do not wish to proceed further on this analogy or simile. If sacred documents are treated as scraps of paper, it will remain in the history of the world written in the blood of nations; different results may be expected elsewhere.

"Hon. Members have brought to the notice of the House various difficulties which this Bill would launch the debtors into. It has been asserted with any amount of truth, that credit will dry up and as has been pointed out by my esteemed friend, Right Hon. Sastri, the creditor is not a wolf. Creditor has done important service from ancient times; as I have said on previous occasions, creditors have served a great purpose in the development not merely of trade, but in the progress and expansion of agriculture itself. But for credit, lands would have still remained vacant, uncultivated and unprofitable to the people. To our knowledge, in our own villages, how often have people borrowed money at a high rate of interest to purchase the land close by.

"A little while ago in reply to an amendment, the Hon. the Premier was telling us that he was not for small holdings. I entirely agree with him in the view that he takes about small holdings. As one who has lived with the agriculturists, as one born amongst them and lived amongst them day in and day out, year in and year out, I can assure the Hon. the Premier that I have known hundreds and thousands of people in the deltaic districts of Godavari borrowing large sums of money and purchasing lands adjacent to them at enormous cost and becoming rich. Having enjoyed fully all the profits, they are, wonderful people, not willing to pay their creditors; to-day they are in the happy position of wiping off the principal and a little of interest after being in enjoyment of the land for about 15 or 20 years, which they purchased with the money of others. What would these people have been, if credit had not been allowed to them? I do not propose further to deal with the injury which this Bill will do. I have complained from the beginning that this Bill is inadequate. I will come to that point a little later.

"I am now on this one important question of the basic principle on which this Bill has been framed. It has a very very dangerous element. What does this Bill really mean? It means that the State has got the power to interfere with rights, vested rights, contractual rights, decree rights of people, rights acquired under the existing law, which people thought would be maintained by the courts when it came to a

question of dispute. The State now takes the power of interfering with these rights. It says that what is due to A is not due to him and that B who owes that money need not pay it to A. It says that the zamindar who, relying upon the income from his estate, paid peshkash to the Government should not compel his tenant to pay the rent. It is a very very dangerous thing to do and if I may borrow the word of the Hon. the Leader of the House, there is a great poison in it What is that poison? I will explain it in a word. It simply introduces the totalitarian conception of State. The ideas of this ancient land and the ideas of democracy are different from those of totalitarian States. While democratic States confirm and believe in the fact that people own the State; the totalitarian States say that the State owns the people. As the State owns the people, the State is capable of dealing with the properties and rights of the people, as it liked. As I said previously, this is the thin end of the wedge, so far as rent and interest are concerned. It may appear to be on the surface a very very small matter. There is this cancer, the principle of the totalitarian State that the State or the Government has got the right to interfere with private rights and properties. Such things have never been known in democratic countries, like England, France or the United States of America. Even in the case of war, the State does not interfere with private property without compensation. If the enemies land on our shores and if a house has to be occupied for the purpose of the defence of the State, the right of taking away private properties is given only on such occasions, but on what condition? On the condition that the State should pay compensation. When the Inams Bill was on the legislative anvil in this very place not very long ago, members of the party which the Hon. Premier is representing to-day—there is at least one Minister to-day who was then a member of the House then—raised the question of expropriation. They went up to the Viceroy, they went up to the Secretary of State; eventually the Secretary of State allowed them some compensation. Where is compensation here? The State must find some means of compensating the zamindar in the one case and the creditor in the other case, without in the least affecting the benefits they are now conferring upon the debtors and tenants. The Government have not done so. Our Government will not mind its own responsibilities in the matter. As I said elsewhere and on a previous occasion, it is easy enough to distribute one man's money to other people; the State money must be intact; land revenue is secure in the Bill; even the loans under the Agricultural Loans Act must be safe. Why has it been done?

" One word more. Why was it not done in the case of the ryotwari landholders, men like myself who own ryotwari lands in the deltaic areas, in the Tanjore and other districts? Why are we excluded from the Bill? But I am here in Madras, an absentee landholder and get my rent from the villages. There are hundreds of thousands of absentee landlords in the professions and in the services owning lands all over

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the Presidency. And if our friends are so sincere about doing something for the agriculturists here is a case of man toiling in the soil and working day and night, but they are not giving him any relief. Why? I do not wish to attribute any motives. It might have escaped the attention of the Hon. Minister. But a suspicion lurks in the minds of the tenants that this is not done because it would affect the vakils, the officers and the upper classes—men who never touch a plough but who extract rent from the tenants—because it would affect the educated and cultured men who have enough influence at the headquarters and with the press of the country. If the ryotwari sub-tenants entertain a suspicion like that what will be the answer that can be given.

" Sir, I was on the question of the totalitarian State. The cancer in this Bill lies there. To-day it is enough to treat this. My friends and my castemen are writing hundreds of letters to me. When I say that I oppose this Bill I couple with that the statement that I entirely agree that something must be done. I did something in that direction in my own humble way. On the records of the Government will be found my minutes which will show my interest in this matter. But it is to the manner I object. It should not be done at the expense of others, with that irresponsibility of the position occupied by the Hon. the Prime Minister and the supporters of the Bill.

" Sir, I defined a totalitarian State as one which believes that the State owned the people. In democratic States the people own the State. If once we concede that the State has got a right to interfere with the vested rights of the citizens, where is it to end? Sir, I do not want the present Ministry to come to an end soon; I want it to continue for 10 or 20 years and even more. But yet a day will come when they will have to vacate office. The best of Gladstonian ministries did not stand for more than two terms. We know of the majorities which the Liberals had in 1909 under Campbell Banerman. We know of the Conservative majorities of to-day. But no one in England believes that these ministries will continue for ever. So a day might come however long it may be in coming when they will have to vacate office. The probability is that they would be defeated not by us here, representatives sitting on this side but by others. Suppose they come into power. Suppose they say: 'Here is my friend Mr. Narayanaswami Nayudu owning 50 acres of land. His family will be satisfied with 5 acres. Forty-five acres are unnecessary for him. There are 500 scheduled class people in the village without even a single acre of land. Why not we legislate that these 45 acres should be distributed among them?' What then will be your answer. With what grace can those who support this Bill object to the principle of the right of the State to interfere with the rights of persons? That will be in the national interest. National interest is a very charming expression. Nationalism is a great religion. In the name of nationalism, those who might come into power hereafter may say, 'You have agreed to that Bill, therefore you have

agreed to the principle and you have no right to resent or oppose this Bill which aims at the distribution of property among those who have no property. They have also a right to live in this land.' Sir, such a thing is going on in totalitarian States, in Russia, for example.

" Sir, am I drawing a very very dark picture or drawing too much on my imagination? But I feel, Sir, that here is that germ of socialism or communism which might be a temptation to those who may come after us. Are you not responsible to posterity, Sir? You may think *that these things are fleeting and that men are fleeting. But if we* now accept the principle of the State's right to interfere with private property, my apprehension will soon come to pass. Let the responsibility for that be taken by those who are responsible for this Bill. This is the thin end of the wedge for socialism and communism and on account of this there is also the danger of civil war in this country, since people would like to defend their rights. When the State comes forward and says, ' give away your lands ' people will naturally resist it. *On the face of it the Bill is mild because it is a matter of only* a small interest or arrears of rent for a few years. But extend the principle to its logical conclusion, you cannot deny the position to which, I say, the country will be driven. It is on that main objection that I base my opposition to the Bill.

" One more word and I have finished. My friend, Mr. Narayanaswami Nayudu, referred to certain articles in the International Agricultural Journal by a gentleman who has examined the debt problem in various countries. That gentleman has come to the conclusion that only conciliatory methods and not coercion had been successful. Sir, is it seriously disputed that Costanzo was wrong in his facts and in his conclusions? If he is right, should we not accept his statement and if we do that, on what basis can we justify this Bill? Once more Mr. President, I assert with all the solemnity that I am capable of that I am not against relief being given to the people but I am not for this measure. I am for a measure where the State will take its own responsibility and not give A's property to B. It is easy enough to-day, because there is what my friend called the Jagannath's car. I do not want to refer to it further because it is too sacred. I do not want to bring it into this chamber. But we have got the steam roller crushing not merely the metal and gravel and sand but everything underneath it, deep, deep, with all the weight that it has. The Hon. the Prime Minister was telling us that he did not bear down in the lower House with his majority, but, Sir, theories are to be judged by the results. What was the result? What were the changes made in the lower House? How many amendments were accepted there? Judged by that test, I think that nothing has been done. On goes this steam roller crushing everything, not merely stones but crops also and depriving the people of their only means of carrying on their cultivation. Because when the ryot wants money the co-operative

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societies and the banks which have been excluded from this Bill are absolutely of no avail. Sir, I devoted Rs. 30 lakhs last year for the purpose of giving loans to agriculturists for discharging their debts. I went on a tour in May and June last year and when I asked people why they did not take advantage of the presence of the Special Officer who was in their midst, their reply was, ' Sir, after all Government institutions are Government institutions.' The village sowcar, not in the sense of the baniya but in the sense of another agriculturist of the same community gives the money the moment the agriculturist goes there. He need not wait on on tens and hundreds of members of co-operative societies and investigating officers who go about the country, valuing the land and the produce of the land at every turn. It is waste of time and waste of energy if something worse did not happen. If in this Bill the agriculturist does not get the facility now obtaining for a loan from the village sowcar who readily is sometimes willing to give Rs. 10 without asking for a promissory note, then I submit those facilities will be lost once for all.

" Mr. President, I am afraid, I have taken up much time. But 5.
I am sure the Members of the Treasury Bench will do me the honour P
to believe in what I say as one who actually feels what he is saying I am not interested in throwing out the Ministry. It is not possible for me even if attempted. And I am not so unwise as to think of it. I am not a young man. I have known years and I have known councils, and when I take a view of the future, when I look a little beyond the horizon I see something, which I am afraid my friends on the Treasury Benches are unable to see."

MR. S. K. AHMED MEERAN:—" Mr. President, Sir, we have have just now heard the eloquent speech of our hon. Friend, Sir K. V. Reddi Nayudu, and we have heard also the eloquent speech of the Rt. Hon. Mr. Srinivasa Sastri. After hearing their eloquent speeches and their able arguments, put forward with regard to the defects of the Bill, even in spite of that, I must tell at the outset that I do not see eye to eye with them with regard to the provisions of this Bill. (' Hear, hear ' from the Treasury Benches.) It is true there are defects, and there will be defects in any piece of legislation, and especially so in a piece of legislation of this kind which affects millions and millions of people. But that does not mean that we should not accept the several points which we expect are calculated to do some tangible good for the people. I am myself conscious of the various defects of the Bill, and at the same time and at the very outset I must say that I am not only in entire agreement with the main principles but also of the very many sections of the Bill. Various objections of a very general kind on the basis that it offends sanctity of contract, that it offends sanctity of decrees and that it offends vested interests and that it tends to put in the thin end of socialism have been put forward, but I must confess they do not appeal to me. It may be

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because I am young. (*Laughter.*) All the same I submit every piece of legislation is bound to affect some right or other, and therefore it is no sound reason to oppose the measure on that ground. As a matter of fact, I know the State is legislating every day to disturb vested rights, and I will only cite a similar piece of legislation dealing with interest alone. There is the Usurious Loans Act to-day, it has been passed for the whole of India, it disturbs vested rights, for even though parties to a contract might have the rate of interest fixed at a high figure, the Court is given power to disturb that rate and award a reasonable rate. Now, I ask, is this not disturbing the sanction of contract? Does this not show that vested interests may be disturbed by a piece of legislation? And does this not stand practically on a par with the present measure now before the House? It may not be so comprehensive as to bring all classes of persons in its ambit, or it may be affecting only the agriculturists—it does not matter. But this theory, that it offends against vested interests and so we should oppose it, I am against.

"Then, Sir, it has been called a class legislation. Personally I do not understand that. In one sense I view every piece of legislation as a class legislation, and especially fiscal legislation. Take for example the Indian Income-tax Act. Is it not a *pakka* class legislation? Why should a man earning Rs. 2,000 and more be taxed? Is it not class legislation? Perhaps it may be said in argument as against my argument that a man who earns Rs. 2,000 and more is taxed, but he is not asked to pay it to the man who does not earn that amount. It need not necessarily mean direct payment; for what does the State do with it? It actually gives it in some other kind by way of amenities. It simply says 'I will collect the amounts, and I will do something by way of comforts and amenities to those less fortunate.' So in this manner we should view it in a broader aspect. We must not be carried off by certain catchwords and phrases and slogans, like 'this is socialism, this is class legislation, and all that.'

"Then, Sir, with regard to the question of sanctity of contract, I may say, even the law does not recognize all contracts. We know, as a matter of fact, there are contracts which are not recognized, though entered into. Take the case of contracts entered into by false misrepresentation, take the case of contracts entered into with lunatics, take the case of contracts entered into with minors? In all such cases the court refuses to take cognizance of the contract. What does it show? It shows the principle underlying these is that where a person has taken undue advantage of the position of another man and tries to secure an advantage over him, the State will not tolerate it. This is also the principle underlying the Usurious Loans Act. So, I say, there is no sanctity of contract in this. I will repeat once more that we should not be carried off by catchwords and phrases; we should see how far we will be doing good. That is the main criterion. It is quite

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possible for a man like myself to bring forward another Bill of the same kind without all the defects found in this measure. But that does not mean that I should not support this Bill, if this will do some good. All are agreed that something should be done to help the agriculturists, and if the present Bill does not go the whole hog it does not mean that we should not support it.

" All the same I feel I will be failing in my duty if I do not point out at this stage some fundamental objections to the Bill. The main principal objection is that it has not made provision for payment of even sealed down debts. That is my vital objection. As a matter of fact even the creditor would be prepared to forego a portion of the debt provided he gets immediate payment. He will say, ' down with cash and I shall give up some portion of the debt.' Because he knows it is better and wise to close the transaction once for all, than be under an illusory hope of getting the full sum due to him. I know as a lawyer that creditors are willing to forego a portion of the debt provided the debt is cleared even in small instalments ranging even over twenty or thirty years. So, if some provisions for the compulsory payment of the debt had been made in the Bill I would have no objection to it. In the absence of that provision what will happen is, the debtor will be forced to sell his land. For, the creditor will go to the court of law to-morrow and get a decree for his dues and execute the decree by bringing the land to court-auction. Thus the debtor in addition to repaying the debt is forced to meet all court expenses also. Hereafter the creditor will not wait for a single minute, fearing that should he delay some other piece of legislation may be brought and the debt may be further sealed down. Perhaps not all creditors will rush to court; for, some of them may arrange for a private sale of land with the debtor, and some may effect possessory mortgage, which is exempted from this Bill. Anyhow the result is all the same, namely, the agriculturist is deprived of his land.

" Another objection levelled against this Bill is that it will result in a contraction of credit. No doubt there will be some difficulty in the beginning, but the difficulty will not be such as to make the ryot allow his field to become fallow. But what I dread is that by this Bill you will be making the ryot solely dependent for credit upon Government agencies, and when time is the essence of the matter, I doubt much whether the ryot can command any credit at all. For though the Government machinery moves, it moves very slowly; and even if Government have some other plan up their sleeves to see that the debtor is not hard hit for money, I am not quite sure whether they will be able to take the place of the village sowcar.

" Another objection I raise against this Bill is the absence of an upper limit for a ryotwari pattadar. It has been said that a ryotwari pattadar, however big he may be, has his own load of debt in proportion to his holding. I do not know how far it is true. But all the

same am I to take it as a fact? Mr. Sathianathan in his report has definitely stated with facts and figures and statistics that even the big pattadars are heavily indebted. And we have to take the findings of one deputed by Government as truth in the absence of evidence to the contrary. At page 42 of his report, he has given the results of his personal investigation of 564 families throughout the presidency.

5-45 p.m. "For registered landlords and tenants paying land revenue or rent of Re. 1 to Rs 100, the debt per acre is Rs. 72 as against the registered landholders and tenants paying a rent of Rs. 100 and above the debt per acre is Rs. 44. In the same way, the debt per rupee of assessment for those who pay less than Rs. 100 is Rs. 29 and for those who pay Rs. 100 and above, the debt per rupee of assessment is only Rs. 8. You can now see the vast difference. This shows that the people who own large holdings are not so much indebted as the poor small landholders or ryotwari pattadars. Mr. Sathianathan says: 'small and medium landholders including occupancy tenants who pay assessment or rent from Re. 1 to Rs. 100 are the hardest hit of all the agriculturist classes. They form the great bulk of the landowning or landholding classes and are the backbone of the agricultural industry in India.' He then says: 'the debt per rupee of assessment is far higher among them than among the bigger landholders. This will be clearly seen from the previous statement. The debt per acre among these small and medium farmers is Rs. 72 and the debt per rupee of assessment is Rs. 29 and only about 18 per cent of them are free from debt. . . I have indicated in paragraph 11 how the number of pattadars paying Rs. 100 and less has actually fallen by 3,267,537 between faslis 1335 and 1340.' As against that also he says that the other pattadars have increased. He says at paragraph 11 that those who pay Rs. 500 and more have increased within five years. That clearly shows that they are not so hard hit as the small landholders."

* MR. PRESIDENT:—"The hon. Member has taken a good deal of time."

MR. S. K. AHMED MEERAN:—"I have taken note of it, Sir. I will conclude in a minute.

"Then we have got a provision which exempts from the provisions of this Bill the zamindars, inamdars and janmis who pay a certain amount of revenue to the Government. Why should it not be? If these people carry the debt in proportion to the holding, is it not true also that these zamindars and the landholders and the janmis also should carry the debt in proportion to the amount of holding? Is it not a fact? Is it not so? We know that many of the zamindars themselves are in debt. It cannot be said that they are not in debt even though they may, to all outside appearance, be living in plenty. So, when we recognize the upper limit to these people, I do think that the Congress Government which stands for justice and equity should also put an upper

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limit for the ryotwari pattadar. In the absence of that, I am afraid rank injustice has been done. Of course, the explanation was given in the Lower House that they did not go on the basis of income, but on the basis of profession. I do not know whether it is true, as a matter of fact, especially in the presence of the proviso with regard to the landlords and inamdars for whom they have put an upper limit. That shows that they have not entirely gone on the basis of the profession, but have gone also on the basis of the ability to pay. The fact that they have put an upper limit there shows that their present argument does not hold good. It seems to me that, somehow or other, the ryotwari pattadar held greater sway in their party meetings and tried to do something which perhaps they would not have done. They put an upper limit in the case of the Moratorium Bill and that shows that they were willing to recognize that principle. Now they have given up that principle.

"One word more, Sir. I must say that I am in entire agreement with the provisions of the Bill and almost all of them. But I must raise my word of protest to-day against the way in which they are treating this House with regard to the passing of this Bill. I may be in entire agreement with the Bill and I have stated so; but that is another matter. I see to-day that my rights as a Member of this House are being trampled upon. I can never be a party to that. I can agree even to hasty legislation, but I can never be a party to a piece of legislation which I have not had even time to read. I had literally no time to read it. I got the copy of the Bill at 7 o'clock and I was able to read only the first few clauses of it. I had no time to read all the clauses and to understand what changes had been made. And when I came here, I was given loose sheets every other minute containing various amendments sent in by other Members. The first amendment copy which I received will relate to clause 26 and before I had time to fit it in with the clause and understand its scope, I get a copy of an amendment to clause 3. This made it impossible for me to get a clear grasp of the whole thing. And this lack of time, Sir, also stood in the way of my tabling amendments. Sir, it is wrong to ask me to vote for a measure which I have not had time to read and understand. It may be that the party in power has a majority and may be able to carry out by sheer majority their programme. But as a Member of this House, I must enter my emphatic protest against this practice. I have a right to be heard and I should be given an opportunity not only to table amendments but also to understand leisurely and calmly whether the amendments tabled by others fit in or not. The wording of an amendment is given in a mechanical manner. One has got to see how it fits in with the rest of the clause and whether it is grammatically correct and what its implications are and so on. All that will take time. If the Hon. the Premier had given us some time, as he was appealed to by the hon. the Leader of the Opposition, and adjourned the consideration of the measure for to-morrow,

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it would have been better. I must confess, Sir, I have never seen the Hon. the Premier so unreasonable as he was to-day. I must say so plainly and unambiguously and unequivocally, because I will not be true to my constituency if I did not say so. I may be in entire agreement with the Bill, but it is possible that I would have added a word here or a word there, if I had the time, which would have brought the meaning clearer than it was possible for the framers to do and the Hon. the Premier himself would have accepted it. It is one thing to say that the Bill was there before the public for a long time and it is another thing to say that I must understand the true import of it and not add a word or a comma. These things will have to be borne in mind by the Hon. the Prime Minister in arranging his legislative programme in the future. In conclusion I once more say, Sir, I am in entire agreement with the main provisions of the Bill."

* DR. P. J. THOMAS:—"Mr. President, I am not a politician and do not feel inclined to speak strongly in support of or in opposition to the Bill. I shall try to take a balanced view. I have had occasion to peruse similar legislation enacted in other parts of the world and I feel that in taking this step now, we in Madras have not taken it a day too soon. I wish that the Government in 1933 or 1934 had taken such a step. Then, I would certainly have supported a measure more stringent than this. Even now, to my mind, there is need for some such measure, because the effects of the unprecedented depression are still operating. It is a great pity to find that some of the speakers who spoke this afternoon were not able to appreciate the significance of the depression. They have not realized its far-reaching effects. If they had sold or purchased any primary product since the depression, they would have known that it meant a great deal of hardship to people who owed money to others. Therefore, it is but right that the Government should modify the contracts for equalizing the position of the parties. If you look at the Bill from that point of view, many of the provisions of the Bill can be fully justified. I have got many points against the Bill. I feel that the pre-depression debtor might have been dealt with in a more equitable manner and I feel even stronger about the need for special tribunals to make debt settlements. Further, the principle of damdupat is unsuited to modern conditions. However, on the main principles of the Bill, I cannot take much objection, knowing as I do the position of the debtors after the slump.

"It has been pointed out that in European countries legislation carried out in a drastic manner has had bad results. This may be true, but is it realized that there is a great deal of difference in this matter between Europe and India? In Western Europe, at any rate, there are no money-lenders of the kind which is common in India, and lending there is chiefly done by bankers and other regulated agencies. In this country, what is usually called money-lending is often exploitation

masquerading as money-lending. I am not speaking of good investment transactions whether by professional bankers or by others. But the ordinary money-lending transactions are really a means of getting from the poor tiller of the soil not only his profit but a part of his wages as well. Therefore, to compare this Bill with measures taken in other countries is not to compare comparables. People often think that by quoting examples from European countries, a measure may be justified or condemned. May I say that the differences between India and Europe are so fundamental that only very careful students could draw any useful lessons from European experience?

"Again, Sir, on the one hand it has been said that this is a class measure in the interests of the large landholder; and on the other hand people have opposed it on the ground that great loss would result to large landowners on account of rent remissions. I fear that both these fears are exaggerated. I demur to the view that large landholders should have been excluded from the Bill, because they too deserve relief as the cause of relief is the slump. As for the share of the debt burdens of different classes in the country, the figures given in the Sathianathan Report may be correct or not, but no conclusions can be drawn from it about the necessity for relief to the larger landholders. Perhaps heavy tax burdens may have to be placed on the larger land owners and holders, burdens proportioned to ability as judged from their net incomes, but that is quite a different matter. What has been said about money contracts may apply to rents taken in money, but not to rents taken in produce. I believe the zamindars may be hit by the remission of rents in previous years. Perhaps rent arrears could have been scaled down rather than remitted. We must mete out justice to the land-owning classes in their dealings with their tenants and others, if we must place on them burdens proportioned to their ability. Above all, justice must characterize our decisions in these matters.

"The fear that credit would dwindle by this Bill is a little exag- 6
gerated. The Bill does not aim at repudiation but at modification of claims. We are trying to rectify the inequities resulting from certain circumstances absolutely beyond human control. By this rectification, credit is not going to be hit. The kind of credit prevailing in this country has not been proper. We must reform the whole system and make it equitable and just. If banks had been included within the scope of the Bill, there might have been a scare, but the Government has wisely excluded them and the treatment meted out to them is extremely handsome. As for private money-lenders' transactions, it would be only helpful if they diminish.

"Sir, a very eloquent speaker has referred to the lesson of history. What, Sir, is the lesson of history? So far as I have been able to understand history, the lesson is this: where wealthy persons do not respect the rights of the poor and the weak and push on their own class

interests, social unrest would result, if not revolution. On the other hand, when a just Government tones down the rigidities of contract in favour of weaker persons, social discontent is averted and revolutions are aborted. The Government may rightly claim that only a measure of this sort will help in the present circumstances of this country by putting off the evil day. Agriculture is the mainstay of our people and unless agriculturists are relieved of their bloated debts, we cannot have an atmosphere of goodwill and harmony to-day. As the present troubles are largely due to the slump, we have to carry ont bold measures and thereby relieve the people who are stricken and in a desperate condition. That is what the Bill is trying to do. It is true that by this Bill, we are not granting relief to two classes of people who deserve relief, namely, the landless labourers and cultivators tilling without lease. The Hon. the Prime Minister explained that it would be possible to bring a large proportion of the cultivators within the scope of the Bill, as they can be construed as sub-lessees. I trust that this would be possible. I trust also that fresh legislation would be brought forward for relieving the farm labourers from debt. The burdens on the poor labourers are terrible in this country. As the Hon. the Premier said, the remedy in the case of labourers must be of a different type, and must be more drastic, because they have been enslaved by borrowing and have been subject to age-long exploitation. In the present state of things, a labourer becomes virtually a slave for all his life by borrowing Rs. 50 for a marriage and the debt goes down to his son, grandson and great grandson. This is a great social and economic evil, and I would appeal to the Government to take drastic steps for improving the lot of these unfortunate people.

" Thus the Bill is inadequate even as a relief measure. It does not relieve the debt of large classes of people in the country, and even in the case of people for whom the measure is meant, a mere formula for scaling down debt is not sufficient. Provision must be made for repayment or settlement in other ways. After this must come other constructive measures for the prevention of future debt and for the rebuilding of our rural economy. If you are talking of rise in prices and other things I am afraid we shall not be able to do anything to rebuild rural economy and organize the credit system. Special improvement of our agricultural industry by positive measures and by improved methods of cultivation, special facilities for improving production by adopting co-operative methods are some of the means by which the Government can help them. This country should proceed somewhat on the lines of countries like Russia where more capital has been put in the agricultural industry and where agriculture is run on factory lines. I should like to stress in this connexion that co-operative efforts are most essential for making our lands more productive. I do hope that after pushing this measure forward which is not a day too early, Government will go ahead and carry out a thorough overhauling of the system."

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An hon. MEMBER :—" May I know how much more time it will take for the Council to rise? "

* Mr. PRESIDENT :—" *It all depends upon you. If you wish to finish the Bill soon, we can rise soon.*"

Mr. SYED ABDUL WAHAB BUKHARI :—" Sir, I fully realize that we have had a strenuous sitting to-day. So I shall not be taking too much of the time of the House. There are one or two things which I feel it my duty to express at this juncture, for which I am taking your permission. The fact that this Bill provides for the relief of agriculturists is very much appreciated by us as a community. We in Islam are against interest, especially usurious interest and there the Bill comes to us as a great relief and we feel very glad that it has been given to the Government of the day to take steps to do away with interest at least from 1932. I, as a Mussalman feel very happy that, as the previous Bill—the Prohibition Bill—had vindicated a great principle of Islam, this Bill also comes as a great vindication of the principle of Islam, i.e., of doing away with interest at least to a certain extent. Therefore, it is that I rise to support this Bill. Had it not been for the fact that enough time was not given to the Members of this House to go into the details of the Bill as well as the amendments that have been proposed, I think there would not have been so much opposition to the measure as has been experienced to-day. I am of opinion that even a reference from such an illustrious person as the Right Hon'ble Srinivasa Sastri to the Jagannath car, the engine roller and things of that sort would not have come, had the Hon. Premier been good enough to accept the request of the Leader of the Opposition in granting a day or two for the consideration of amendments. Therefore, whilst we are in agreement with some aspects of the Bill, viz., doing away with interest and some other things, we enter our emphatic protest against this procedure of doing things over our heads and not giving us sufficient notice and sufficient time to ponder over an important legislation.

" In this connexion I want to speak with regard to one of the provisions of the Bill, viz., with regard to the provision where the principle of damdupat has been applied. That provision is not a contradiction to the principle of contracts that might have been entered into between parties, though I fully realize that it would have been far better if they had confined that provision only to the wiping away of interest. In this respect I do not see eye to eye with the Hon. Premier and it would have been much better if the principal had been vouchsafed to the person to whom it belonged. Therefore, to the extent that the provision in the Bill relating to the damdupat takes away the right of a person to whom the principal belongs, it is not in fairness that that provision should have found a place in the Bill. In this connection I would also request the Government not to confine their attention only to the relief of agriculturists. I would beg of them to consider this measure only as a first step towards the amelioration of the affected

6-15 p.m.

classes and they should consider and bring forward at a future date a measure which would give them a complete relief. In this connection I would also point out that in bringing forward such a measure they should include other classes of debtors also. As a matter of fact the Marwari classes play a havoc on very many poor people and therefore it is in the fitness of things that Government should give relief not only to the agriculturists but also to the other classes of people who are affected by debts from Marwaris carrying an usurious rate of interest sometimes ranging from 24 to 36 per cent. If they do this it will be a great relief to those classes of debtors other than the agriculturists.

"Mr. President, Sir, I have a little objection to the question of the basis of the relief, that is afforded, the basis being that of occupation and not the particular means of the debtor. It may be that a person is an agriculturist; of course, there has not been a higher level fixed, but unless and until the question of means is taken into consideration and the Government consider the advisability of fixing it by a board of enquiry to be constituted to go into the individual cases and to treat them on their merits and de-merits, the real purpose of the Bill may be lost. To my mind, this question should not be taken up on the question of the occupation of the agriculturist, but it should be on the means of the individual person. If the question is approached in that way and an advisory committee or whatever it may be called is constituted to go into the question, I think the purpose will be served to a very great extent.

"One word more and I have done and it is that some friends have said that there would be no use of this Bill. On personal knowledge I declare that this Bill will certainly bring a great deal of good to the country and to this province in particular. I have known cases in my own place, Kurnool, where the nawabs who have lost their kingdom have also lost the little land that they possessed because of the usurious rates of interest that the Marwaris charged them. I might detail to you the woeful tale of great families coming to nothing because of these usurious rates of interest. Therefore, when I hear the statement that this Bill does not have in it the germ of prosperity to the inhabitants of this province, I wonder and wonder very much especially when I have those examples of the nawabs before me. Some of the very illustrious families of my district—and I think that is not the only district where the thing exists but there are also other districts which can tell the same tale—have been ruined and I do believe, keeping those things in view, this Bill is going to bring great relief to the people of this province. As a personal appeal, I may make in this connexion that as we have found on this momentous day a bit of large-heartedness on the side of the majority, I hope they will take away all the pin-pricks that might occur in our legislatures and that in the future at least sufficient consideration will be given to the wishes of the minority and that the majority will try their utmost, as was said yesterday by the Leader of the House that every step will be taken to carry along with the majority as far

as possible, all the various sections of this House. Therefore, I request that in future the interests and the wishes of the opposition will also be taken into consideration to the greater unity of this House. In this regard, Mr. President, I may be permitted to depart from the consideration of the Bill as such and refer to the question of the 'Vande Matharam' and such other small things from which we are suffering to-day. In our House, Mr. President, I make a special appeal to the Leader of the House and to the Leader of the Party, Srijut C. Rajagopalachariar, to see that something is brought about to do away with these pin-pricks . . ."

* MR. PRESIDENT:—"Order, order. That is not the point here."

MR. SYED ABDUL WAHAB BUKHARI:—"I may, just with your permission, refer to that because . . ."

* MR. PRESIDENT:—"We have nothing to do with that in this House."

MR. SYED ABDUL WAHAB BUKHARI:—"I admit it has nothing to do in this House and I drop the matter. But, I only request that two minutes silence, if it is proposed in the Lower House, it will do away with all the difficulties."

* MR. PRESIDENT:—"*Order, order.*"

MR. SYED ABDUL WAHAB BUKHARI:—"I have ventured to request the majority to take into consideration the wishes of the minority also. On this question, I may just point out that the majority in the Frontier, the majority in Syria, the majority in Egypt, are very very considerate to the minorities. As a matter of fact when the question came up before the Syrian Government whether the State religion of Syria should be Islam, the majority left the question . . ."

* MR. PRESIDENT:—"Order, order. This is not the occasion for referring to all that."

MR. SYED ABDUL WAHAB BUKHARI:—"I only want to impress upon the majority the necessity of a sort of compromise. I thank you, Sir, very much for the time that was given to me and in conclusion I wish only to state that I have great pleasure in stating that I accord my support to the main principles of this Bill."

* KHAN BAHADUR SIR MAHOMED USMAN SAHIB BAHADUR:—"Mr. President, Sir, I would like to join in the protest against the hard-hearted Prime Minister in not acceding to our request for giving a short adjournment and in this respect we have a real grievance. If some time had been given and some more amendments had been tabled we would have been enabled to have a more detailed and fuller discussion. As a member of the Select Committee I should also like to say that we did some good work and we were also able to make some

vital changes both in the interests of the creditor and the landlord. After the Bill emerged from the Select Committee, some further changes were made to lessen the harshness of the provisions of the Bill. I do not think, therefore, it is possible for me to oppose this Bill.

" As a result of an amendment made in the Lower House, we find that somehow or other the question of giving cost to the landlord in respect of execution petitions has been overlooked. If more time had been given to us I would have tabled a motion to this effect.

" My Right Hon. Friend, Mr. Sastri, found fault with the Prime Minister for having said that it was a sin to take interest. But according to Islam it is so. As a Muhammadan I must support any measure that will undo some of the horrors of interests.

" I would like to bring to the notice of the Hon. the Prime Minister the question of peshkash. On account of the passing of this Act, some zamindars may not be able to pay their peshkash to Government in time as their tenants may withhold the payment of rents. I would therefore request my hon. Friend to consider favourably the question of extending the time for the payment of peshkash and if reasonable time is given, I am sure the zamindars would pay the peshkash.

" Another reason why I welcome some of the provisions of this Bill is that I have been told that there has been a sort of no-rent campaign in certain zamindari areas. As constitutionalists we should give no encouragement to such a campaign and as the Prime Minister has rightly said in the Select Committee, this Bill would kill the no-rent campaign as far as the zamindari areas are concerned. I am sure the Hon. the Prime Minister will see to it that no encouragement is given in any way to this no-rent campaign.

" Some pictures were painted before the House that as soon as this Bill is passed, it is going to bring confusion and promote socialism. I have heard similar arguments when the Malabar Tenancy Bill and the Inams Bill were passed. No such thing has happened and I am sure no such thing is going to happen on account of the passing of this Act. (Hear, hear, from the ministerialist benches.) I welcome this Bill because we all know that the position of the ryot is pitiable. It may be said that this is not the proper way of solving the problem. Of course, we can go on saying like that in the case of every such measure. But the question is whether this measure will do any good to the ryot. I support this Bill because I feel that it will do some good to the ryots."

* THE HON. MR. C. RAJAGOPALACHARIAR:—" Sir, I would not be doing justice to myself if I did not first hasten to thank the Leader of the Opposition, whose generosity as well as his manner has overwhelmed me for the time being, especially when I remember that I have given just cause for a great deal of anger to those sitting on the other side. Let it not be imagined that I opposed the motion for adjournment with pleasure; let it not be imagined that I did not feel that I was doing certainly something that might be said to be procedurally wrong and cruel. But, I am so overwhelmed by the charity

that has been extended to me in overlooking that fault and proceeding to appreciate the motives and the objects and the principles underlying the provisions of the Bill.

" Reference was made, Sir, to a kind of no-tax campaign in the zamindari areas. Well, I am assured by those who know the working of these campaigns more intimately that these ideas are based on hasty and premature rumours and misunderstanding and that there is no such thing as a real campaign to disturb the normal flow of taxes and rents into the coffers of the estate holders. At the same time I am not oblivious of the fact that the situation for some time past and especially for some months past has not been all very good and sweet and that the relationship between the zamindars and the ryots seems almost to have come to a chronic state of ill-will and hostility and therefore it is easy for people to start irregular campaigns of any kind; and it is but right therefore that people should be warned of them. If there is one merit in this Bill which deserves to be recorded by those who think and look at this thing from the other point of view, it is this: that I claim that this Bill has a very healthy effect on the relationship between the zamindars and the ryots. I claimed it in the other House and I claim it in this House of elders, because I believe it sincerely. 6-30 p.m.
I claim that it will produce an atmosphere of tidiness in the affairs between the zamindars and their tenants who will start the payment for the current year, which this Bill puts forward as a necessary condition precedent before any benefit under this Bill can be claimed. If within the period prescribed in this Bill payments in respect of the two faslis are made, the tenants become qualified for the full benefits of the writes-off that are provided. I have no doubt whatever that a new life and a correct line of conduct will have started in these estates; Is it not a big thing? It was all right in the old days when the word was as good as the written document and when the written document was good as the money and the word was as good as the money. But in these days in the plight in which both sides are, the zamindars as well as the tenants, when in the air there is so much of incitement, encouragement and justification for refusing to satisfy proper claims on the basis that everyone is not able to do what he is bound to do, is it not a good thing that this Bill officially and statutorily starts off so to say a good and regular conduct? I am afraid, Sir, that in spite of my repeated claim the immediate blood that is drawn by the surgeon's knife appears to have made it impossible for the estate-holders to realize the sincerity of my claim or the justice of my claim. I hope, Sir, that my belief will come true and that my claim will be justified in the course of the next few months. And I say as I did in the other House that this will be done not if every creditor and every zamindar goes about cursing the measure from one end of the land to the other, but only if he takes it as the basis of mutual co-operation and helpfulness. I do not believe that the law can achieve it; but I believe that laws are necessary. The certainty of obligation under the law is necessary. But it is no use making a man feel ' I owe

so much that it is impossible for me to think of paying it; therefore I need not bother myself about it.' Such a man in despair is now made to feel 'I owed so much; but I now owe only so much; it is much below than what it was previously. It gives him a feeling of relief which is necessary for action and for honest effort. It is this that I claim for this Bill and it will certainly help in the improvement of his situation. We expect this consequence and we want it. It is not a mere subterfuge for putting forward the thin end of the wedge of a revolutionary programme.

"Sir K. V. Reddi, the statesman, ex-Member of Council and Minister—reference to all these was freely made in his speech—made a vigorous attack on the Bill but the best part of his speech was at the end; he summarized the Bill and said that that was a very mild measure; but he also said '*It is a terrible snake going about like a snail*; it carries poison; it is poison No. I totalitarianism; and poison No. II it makes the State interfere in every private act of yours. Beware individual citizens. Stand up for your liberties and kill this snake.' But he also said that the Bill was a very mild measure. It merely says a little interest is gone; the debts will be there; but in the case of recent debts, reasonable rates of interest have been provided and the principal is not altogether taken away. In the case of zamindars only old arrears are going away; the fresh arrears are there. There is nothing serious in the Bill as it is a very mild measure. But he said 'Do not be deceived by it. Beware of the consequences and the tendencies.' My answer to that is that it is true that it is a mild measure. It is nothing more. I accept his verdict. But I cannot accept the fears he expressed as regards its consequences and dangers. If it can be said even by the most strenuous opponents of the Bill, and it is admitted by them that it is a mild measure by itself, that is enough justification for me to say that far from committing a great sin even in hustling this House against its own privileges and rights, I claim, Sir, that I have done the right thing under the circumstances. It was with great anxiety that I listened to the earlier part of his speech and I was wondering how I could get over it all. But finally he came to my help and said that after all it was a mild measure but that he was only afraid of the consequence. I can assure him that there is nothing to fear about the consequences. We can stand against them. I claim that this Bill itself is a defence against the consequences which he foresaw and was afraid of. I claim, Sir, as pointed out by the last speaker who spoke with a knowledge of history and economics—he has claimed that from history he could well declare that such measures if they do not altogether prevent, they would at least postpone the evil day when masses begin to misbehave towards the classes—that it would altogether put it off for all time. We need not fear that the time for such trouble has come; we need not think of it. We need not live a life of fear and tension as to what is going to happen. Let us live a life of peace. There are some who tell us that the signs are there for all troubles. People like me who are conservative in their outlook do want to do something to stave off the evil day.

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I do claim that this is not the thin end of the wedge; but it is really the barrier to safeguard against the tendencies of which we, he and I, are all afraid. We see danger whenever we see anything dark or new. Even as we are afraid of the wall that stands between us and danger, if we do not know that it stands there, we are afraid of this measure; but I assure you that we need not be afraid of the consequences. The speakers towards the end whom it would be impertinent for me to congratulate have spoken in defence of the Bill as against the strenuous attack made by two important personages in the House—they may be independents; they may say that they are not leaders of any party but they are powerful as individuals and their voices go far. When their voices went against the Bill, I felt I was losing ground but I was glad that other hon. Members from the Opposition benches came to my help. They saw things in a new light; put aside old phrases and slogans. They called things by their true names. They said they were only slogans, they were only fears and had no relationship to existing things. I am grateful to those speakers for that reason. They have lessened my task in this respect. The Right Hon'ble Sastri said in his characteristic way once again as on so many occasions: 'If you desire to walk along the golden mean, do not go hastily, do not also be too cautious.' It is a correct advice but it is difficult to follow it. It is true that we must be circumspect and should have a golden scale to weigh the things that we ought to do and avoid. But when feeling is found to be necessary for action, some amount of forgetfulness also becomes necessary, forgetfulness of danger and risks. Otherwise nothing can be done. It is not as if I am pleading for haste, thoughtlessness and foolhardiness. I am notorious for the absence of them, being altogether a conservative; and I do claim that I am cautious. It has also been conceded by Sir K. V. Reddi that it is a mild measure. So it is but right for me after such an expression of opinion from them to expect them to stand shoulder to shoulder with me. Let us work together to give the benefit of this mild measure to all and not do propaganda against it when it is passed into law.

" Personally, Sir, I am not a happy legislator and I feel it irksome to sit from morning to night in the House; but I am only desirous of doing some good and if this House of Legislature can help me in doing some good, I shall be very glad to sit here till midnight; but I cannot make speeches and particularly in this atmosphere. I am unable to do it. I either make chatty statements or something wholly different. I confess I do not fit in this House and that is the reason why I so greatly appreciate the speeches that I have heard. I wish I could speak in that manner for my Bill but I am unable to do that.

" Some hon. Gentlemen attributed some motives in regard to this Bill. I may assure them that there is no bad motive behind the Bill; the motive is what is apparent, namely, to do good to the classes of people who come under its beneficent provisions. Of course this House

can reverse the whole thing. But there is nothing that cannot be reversed. It is better to wait. But we cannot agree to wait; we have to do something and the House wants to do something. If anybody came into the House when the discussion was proceeding, could anybody think that we were in a hurry? Would anybody accept the charge that has been made that we were in a hurry, that we were hasty? Were not the principles of the Bill and the clauses of the Bill discussed threadbare, fibre by fibre. Would anybody who had seen the amendments, given in mathematical precision according to the clauses to which they pertained ever believe that the Bill had not been studied by hon. Members. Would they believe that that they began studying the Bill only this morning and after getting into their cars? It takes a lot of time even for me who prepared the Bill to understand the implications of the amendments. The manner in which the amendments were tabled showed the amount of preparation members opposite had made in respect of the Bill. There was no doubt that everybody came prepared for the consideration of the Bill. There was no haste at all. But I still plead guilty that it was not possible for me to give a day or two more. Hon. Members do not know with what pain I opposed delay.

3-45 p.m. "I shall be wiser, Sir, hereafter in making the time-table of the House. There are many aspects of the matter. Reference was made to distress or distraint. Another was referred to, viz., no-tax campaign. I do not want things to be held up now. This is precious time now. But there are complications in the affairs of men when a few hours' delay sometime means months, weeks and sometimes years. But I should not take members into greater confidence further in regard to this matter. I had to ask for quick work. That was my reason for a certain degree of indifference on my part with regard to the rights and privileges of this House. 'No changes have been made. No amendment has been accepted. How many amendments have been accepted? See the amendments of Right Hon'ble Sastri and Sir K. V. Reddi. That shows what scant courtesy has been shown to the House.' That is not the way, Sir, of examining the matter. Yes. About 26 or 27 amendments have been notified. In the other House about 300 amendments were given notice of. 'How many did you accept?' That is not the measure by which you should judge. You cannot put in that claim over and over again. I claim that it was examined thoroughly. Is it by the number of amendments or the openmindedness of members or the correctness of the thing that you have to judge? The thing will go wrong before we finish our criticisms. If we take the best pains when we first finish up the thing, if we take the best pains in the Select Committee in the re-touching of it, if these things are done well, it should not be necessary to have numerous amendments. If they do sit together like friends and co-operators and not as parties each side working one against the other, so many amendments would not be necessary. The fact that subsequently no amendment was accepted does great credit to the Joint Select Committee that

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worked on this Bill. The result is that the Leader of the Opposition who is not a Congressman, who is not a socialist, who is not waiting with the thin end of the wedge for purposes of revolution, worked in the Committee and has said that a great many changes were made. Let nobody imagine that nothing was done there, and that I proved very strong there. It is not easy to make Sir Mahomed Usman or Mr. Krishna Rao to agree not to write a minute of dissent; but it may be said they raised afterwards points and amendments. I did not prevent any of them from raising any points they liked. I did not want to stand in their way. I did not want to hamper anybody's discretion with regard to any of these things. Therefore it was that they pressed for faslis 1342 and 1344. I did not ask them not to do it. The Select Committee having done good work, you cannot measure the courtesy or consideration or the open-mindedness now by the number of amendments that have been received and admitted. It is not right it was said to put all things together and bring the famous steam-roller or the car of Jagannath. One hon. Member said that as discerning men we must consider those people who are able to pay and those who are not able to pay. It is the right thing to do, but how and for what purpose? For conciliation, if we had that as our plan, that was the right thing to do. If a conciliation board be asked to do the work, voluntary agreements have finally to be the machinery, and it is right that we should enquire into the ability and inability of the party. But we have found that conciliation is not workable in our Province whatever may be the reason. What is the good of asking the courts to find out the ability? Can a district judge or anybody else give a finding that this man may be able to pay so much or that man may not be able to pay so much? Can they force down a decree? Far from helping, it would become a source of difficulty for all people concerned. It is not possible for a man to say that. It is not possible for any conciliation board to say that this man is old and infirm. It is not possible for a court to say that he cannot work. How can vakils argue and courts decide these points? Therefore the question is simply this, are we to adopt conciliation or simply a legal enactment? If conciliation is decided, the character of the debt, how long the debt ran, why he borrowed and all these questions must be gone into. If it is a legal enactment, we cannot go back. Whether it is a big road or a small road we cannot change the course. So the steam-roller has to be precise and definite and you cannot ask the courts to test the ability and the like. That is my reply to the main attack, because human element is essential if the measure were to be a conciliatory measure. Sir, I hope that this Bill will be given much greater support than my motion for the Bill being taken into consideration received. I hope hon. Members will forget the adjournment question and give the vote now on the merits of the Bill. With these few words I request you to put the motion that the Bill be passed into law to vote."

The motion that the Bill be passed into law was put and declared carried.

A poll was demanded and the House divided thus:—

Ayes.

1 Diwan Bahadur K. Daivasigamani Mudaliyar.
2 Dr. P. J. Thomas.
3 Khan Bahadur Hamid Sultan Maracair.
4 Mr. Syed Abdul Wahab Bukhari.
5 ,, S. K. Ahmed Miran.
6 ,, Munshi Abdul Wahab.
7 Diwan Bahadur R. Srinivasan.
8 Sir Mahomed Usman.
9 Mr. T. A. Ramalingam Chettiyar.
10 ,, K. Venkataswami Nayudu.
11 Hon. Dr. T. S. S. Rajan.
12 Mr. P. Peddi Raju.
13 ,, L. Subba Rao.
14 ,, D. Sriramamurti.
15 ,, R. Srinivasa Ayyangar.
16 ,, V. V. Jogayya.
17 ,, K. Madhava Menon.
18 Mr. A. Rangaswami Ayyangar.
19 ,, V. Venkatapunnayya.
20 ,, N. Venkatachalamaji.
21 ,, K. P. Mallikarjunudu.
22 ,, P. Virabhadrasami.
23 Rao Bahadur V. Vasantha Rao.
24 Mr. N. Sankara Reddi.
25 ,, B. Bhima Rao.
26 ,, K. V. Srinivasa Ayyangar.
27 ,, S. K. Satagopa Mudaliyar.
28 ,, Nadimpalli Subbaraju.
29 ,, K. S. Sivasubrahmanya A yar.
30 ,, C. Perumalswami Reddiyar.
31 ,, L. Subbarama Reddi.
32 ,, M. Narayana Menon.
33 ,, M. Narayana Rao.
34 ,, S. A. S. Rm. Ramanath Chettiyar.

Noes.

1 Mr. J. A. Saldanha.
2 Rao Bahadur M. Raman.
3 Dr. Sir K. V. Reddi Nayudu.
4 Mr. S. J. Gonsalves.
5 Rao Bahadur M. Ramakrishna Reddi.
6 Mr. B. Narayanaswami Nayudu.
7 Rt. Hon. V. S. Srinivasa Sastri.
8 Rao Bahadur N. R. Samiap Mudaliyar.

Ayes 34. *Noes* 8.

The motion was carried and the Bill was passed into law

V.—ELECTION TO THE MADRAS UNIVERSITY SENATE.

* MR. PRESIDENT:—" I have to announce to the House that, a result of the election held to-day to the Senate of the University Madras from among the Members of the Madras Legislative Counci the undermentioned four Members have been declared duly elected:-

(1) Mr. B. Bhima Rao.
(2) ,, K. Madhava Menon.
(3) ,, T. A. Ramalingam Chettiyar.
(4) ,, *R. Srinivasa Ayyangar.*

" I wish to know whether we are to continue; the other Bills wi not take more than half an hour."

DR. Sir K. V. REDDI NAYUDU:—" Not to-day, Sir."

The House then adjourned to meet again at 11 a.m. the next da

VI.—PAPER LAID ON THE TABLE OF THE HOUSE.

* *Statement showing the resolutions passed by the House Con mittee during the First Session of the Madras Legislative Counc under the Government of India Act,* 1935, *and the action take thereon.*

* Laid on the table on 31st January 1938.

APPENDIX I.

[Vide answer to unstarred question No. 20 asked by Mr. J. A. Saldanha at the meeting of the Legislative Council held on the 1st February 1938, page 150 supra.]

Statement showing the court fees paid on applications for probates, letters of administration and succession certificates by communities noted below in the following courts for the year ending 31st March 1937.

	High Court.	District Court, Guntur.	District Court, South Kanara.	District Court, Tinnevelly.
	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.
Probates.				
Indian Christians	246 4 0	..	3,874 6 0	..
Hindus	24,436 2 0	.	..	..
Muhammadans	..	..	..	..
Europeans and Anglo-Indians	13,889 15 0	..	..	..
Other communities	..	..	..	..
Total ..	38,572 5 0	..	3,874 6 0	..
Letters of Administration.				
Indian Christians	415 10 0	..	328 13 0	..
Hindus	5,109 14 0	..	54 0 0	..
Muhammadans	479 7 0	..	..	..
Europeans and Anglo-Indians	60,658 15 0	..	..	3,740 10 0
Other communities	1,290 0 0	..	..	..
Total ..	67,953 14 0	..	382 13 0	3,740 10 0
Succession Certificates.				
Indian Christians	735 13 0	1 7 0	264 4 0	..
Hindus	2,863 2 0	653 12 0	1,274 15 0	..
Muhammadans	77 9 0	4 5 0	44 4 0	..
Europeans and Anglo-Indians	..	..	..	..
Other communities	..	..	..	..
Total ..	3,676 8 0	659 8 0	1,583 7 0	..

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APPENDIX II.

[Vide answer to unstarred question No. 21 asked by Mr. J. A. Saldanha at the meeting of the Legislative Council held on the 1st February 1938, page 150 supra.]

Statement.

	Calicut.	Mangalore.
	INCHES.	INCHES.
Average for fifty years from 1877 to 1926	120·97	128·62
1927	120·30	136·83
1928	93·59	127·39
1929	129·19	163·42
1930	121·72	136·88
1931	132·20	149·96
1932	159·32	121·37
1933	166·75	167·17
1934	108·25	116·42
1935	108·65	124·86
1936	135·69	154·04
1937 (up to October)	122·10	141·42

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APPENDIX III.

[Vide item III at page 152 supra.]

L. A. BILL No. 10 OF 1937.

(As passed by the Assembly.)

A Bill to provide for the relief of indebted agriculturists in the Province of Madras.

WHEREAS it is expedient to provide for the relief of indebted agriculturists in the Province of Madras; It is hereby enacted as follows :—

CHAPTER I—PRELIMINARY.

1. This Act may be called the Madras Agriculturists Relief Act, 1938. **Short title.**

2. It extends to the whole of the Province of Madras. **Extent.**

3. In this Act, unless there is anything repugnant in the subject or context, **Definitions.**

(i) ' person ' means an individual and includes an undivided Hindu family, a marumakkattayam or aliyasantana tarwad or tavazhi, but does not include a body corporate, a charitable or religious institution or an unincorporated company or association;

(ii) ' agriculturist ' means a person who—

(a) has a saleable interest in any agricultural or horticultural land in the Province of Madras, not being land situated within a municipality or cantonment, which is assessed by the Provincial Government to land revenue (which shall be deemed to include peshkash and quit-rent), or which is held free of tax under a grant made, confirmed or recognized by Government; or

(b) holds an interest in such land under a landholder under the Madras Estates Land Act, 1908, as tenant, ryot or under-tenure holder; or

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(c) holds an interest in such land, recognized in the Malabar Tenancy Act, 1929; or

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(*d*) holds a lease of such land from any person specified in sub-clause (*a*), (*b*) or (*c*) or is a sub-lessee of such land:

Provided that a person shall not be deemed to be an ' agriculturist ' if he—

(A) has in either of the two financial years ending 31st March 1938 been assessed to income-tax under the Indian Income-tax Act, 1922, or under the income-tax laws of any Indian State, or foreign government; or Act XI of 1922.

(B) has within the two years immediately preceding the 1st October 1937 been assessed to profession-tax on a half-yearly income of more than three hundred rupees derived from a profession other than agriculture under the Madras District Municipalities Act, 1920, the Madras City Municipal Act, 1919, the Cantonments Act, 1924, or any law governing municipal or local bodies in any other Province in British India, any Indian State or any foreign State in India, or under the Madras Local Boards Act, 1920, in a panchayat which was a union before the 26th August 1930; or Madras Act V of 1920. Madras Act IV of 1919. Act II of 1924. Madras Act XIV of 1920.

(C) has within the two years immediately preceding the 1st October 1937, been assessed to property or house tax in respect of buildings or lands other than agricultural lands, under the Madras District Municipalities Act, 1920, the Madras City Municipal Act, 1919, the Cantonments Act, 1924, or any law governing municipal or local bodies in any other province in British India or any Indian State, or under the Madras Local Boards Act, 1920, in a panchayat which was a union before the 26th August 1930, provided that the aggregate annual rental value of such buildings and lands, whether let out or in the occupation of the owner, is not less than Rs. 600; or Madras Act V of 1920. Madras Act IV of 1919. Act II of 1924. Madras Act XIV of 1920.

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(D) is a landholder of an estate under the Madras Estates Land Act, 1908, or of a share or portion thereof in respect of which estate, share or portion any sum exceeding Rs. 500 is paid as peshkash or any sum exceeding Rs. 100 is paid as quit-rent, jodi, kattubadi, poruppu or the like, or is a janmi under the Malabar Tenancy Act, 1929, who pays any sum exceeding Rs. 500 as land revenue to the Provincial Government.

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Explanation.—The annual rental value of any building or land for the purposes of proviso (C) shall—

(1) where the assessment is based on the annual rental value, be deemed to be such value;

(2) where the assessment is based on the capital value, be deemed to be five per cent of the capital value; and

(3) in any other case, be deemed to be the value ascertained in the prescribed manner;

(iii) ' debt ' means any liability in cash or kind, whether secured or unsecured, due from an agriculturist, whether payable under a decree or order of a civil or revenue court or otherwise, but does not include rent as defined in clause (iv), or ' kanartham ' as defined in section 3 (*l*) (1) of the Malabar Tenancy Act, 1929;

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(iv) ' rent ' means rent as defined by the Madras Estates Land Act, 1908, or rent or michavaram as defined by the Malabar Tenancy Act, 1929, or quit-rent, jodi, kattubadi, poruppu or the like, payable to the landholder of an estate as defined by the Madras Estates Land Act, 1908, whether a decree or order of a civil or revenue court has been obtained therefor or not, and includes interest payable thereon but does not include costs incurred in

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respect of the recovery thereof through a civil or revenue court or the share of the land cess recoverable by the landholder under section 88 of the Madras Local Boards Act, 1920; and

(v) 'creditor' includes his heirs, legal representatives and assigns. Madras Act X 1920.

Certain debts and liabilities not to be affected.

4. Nothing in this Act shall affect debts and liabilities of an agriculturist falling under the following heads :—

(*a*) any revenue, tax or cess payable to the Provincial Government or any other sum due to them, by way of loan or otherwise;

(*b*) any revenue, tax or cess payable to the Central Government or any other sum due to them, by way of loan or otherwise;

(*c*) any tax or cess payable to any local authority or any other sum due to them, by way of loan or otherwise;

(*d*) any debt contracted on the security of house property alone in a municipality, a cantonment, or a panchayat which was a union before the 26th August 1930;

(*e*) any liability in respect of any sum due to any co-operative society, including a land mortgage bank, registered or deemed to be registered under the Madras Co-operative Societies Act, 1932, or any debt due to any corporation formed in pursuance of an Act of Parliament or of any special Indian law or Royal Charter or Letters Patent; Madras Act VI 1932.

(*f*) any liability arising out of a breach of trust;

(*g*) any liability in respect of maintenance whether under decree of court or otherwise;

(*h*) any debt or debts due to a woman on the 1st October 1937 who on that date did not own any other property, provided that the principal amount of the debt or debts did not exceed rupees three thousand.

Explanation.—For the purpose of this clause, the house in which the creditor woman lived, or any furniture therein, or her household

utensils, wearing apparel, jewellery, or such like personal belongings shall not be regarded as property.

(*i*) Any wages due to an agricultural or other rural labourer.

Provided that where the liabilities mentioned in clause (*e*) arise by reason of an assignment to the co-operative society, such assignment has taken place before the 1st October 1937 or is an assignment to such society of a loan granted by a co-operative society.

Special provision for undivided Hindu families, etc.

5. Where an undivided Hindu family other than a marumakkattayam or aliyasantana tarwad or tavazhi is assessed to the taxes specified in provisos (A), (B) and (C) to section 3 (ii), or falls within the category of persons specified in proviso (D) to the same section, no person who was a member of the family on the 1st October 1937 shall be deemed to be an agriculturist for the purposes of this Act except section 13.

Sons and descendants of non-agriculturist members of Hindu families to be non-agriculturists.

6. Where in an undivided Hindu family other than a marumakkattayam or aliyasantana tarwad or tavazhi which is an "agriculturist" within the meaning of section 3 (ii), any member of the family is not an agriculturist, then, notwithstanding anything contained in section 3 (ii), none of his sons and descendants in the male line shall be deemed to be an agriculturist for the purposes of sections 7 to 12 and 19 to 27 of this Act.

CHAPTER II—Scaling down of debts and future rate of interest.

Debts payable by agriculturists to be scaled down.

7. Notwithstanding any law, custom, contract or decree of court to the contrary, all debts payable by an agriculturist at the commencement of this Act, shall be scaled down in accordance with the provisions of this Chapter.

No sum in excess of the amount as so scaled down shall be recoverable from him or from any land or interest in land belonging to him; nor shall his property be liable to be attached and sold or proceeded

against in any manner in the execution of any decree against him in so far as such decree is for an amount in excess of the sum as scaled down under this Chapter.

Provision for debts incurred before 1st October 1932.

8. Debts incurred before the 1st October 1932 shall be scaled down in the manner mentioned hereunder, namely:—

(1) All interest outstanding on the 1st October 1937, in favour of any creditor of an agriculturist whether the same be payable under law, custom or contract or under a decree of court and whether the debt or other obligation has ripened into a decree or not, shall be deemed to be discharged, and only the principal or such portion thereof as may be outstanding shall be deemed to be the amount repayable by the agriculturist on that date.

(2) Where an agriculturist has paid to any creditor twice the amount of the principal whether by way of principal or interest or both, such debt including the principal, shall be deemed to be wholly discharged.

(3) Where the sums repaid by way of principal or interest or both fall short of twice the amount of the principal, such amount only as would make up this shortage, or the principal amount or such portion of the principal amount as is outstanding, whichever is smaller, shall be repayable.

(4) Subject to the provisions of sections 22 to 25, nothing contained in sub-sections (1), (2) and (3) shall be deemed to require the creditor to refund any sum which has been paid to him, or to increase the liability of a debtor to pay any sum in excess of the amount which would have been payable by him if this Act had not been passed.

Explanation.—Where a debt has been renewed or included in a fresh document in favour of the same creditor, the principal originally advanced by the creditor together with such sums, if any, as have been

subsequently advanced as principal shall alone be treated as the principal sum repayable by the agriculturist under this section.

9. Debts incurred on or after the 1st October 1932 shall be scaled down in the manner mentioned hereunder, namely:— **Provision for debts incurred on or after 1st October 1932.**

(1) Interest shall be calculated up to the commencement of this Act at the rate applicable to the debt under the law, custom, contract or decree of Court under which it arises or at five per cent per annum simple interest, whichever is less and credit shall be given for all sums paid towards interest, and only such amount as is found outstanding, if any, for interest thus calculated shall be deemed payable together with the principal amount or such portion of it as is due:

Provided that any part of the debt which is found to be a renewal of a prior debt shall be deemed to be a debt contracted on the date on which such prior debt was incurred, and if such debt had been contracted prior to the 1st October 1932, shall be dealt with under the provisions of section 8.

(2) Subject to the provisions of sections 22 to 25, nothing herein contained shall be deemed to require the creditor to refund any sum which has been paid to him or to increase the liability of the debtor to pay any sum in excess of the amount which would have been payable by him if this Act had not been passed.

10. (1) The provisions of sections 8 and 9 shall not apply to any person who, though an agriculturist as defined in section 3 (ii), did not on the 1st October 1937, hold an interest in, or a lease or sub-lease of, any land as specified in that section. **Exceptions**

(2) Nothing contained in sections 8 and 9 shall affect—

(i) any mortgage by virtue of which the mortgagee is in possession of the property mortgaged, where no rate of interest is stipulated as due to the mortgagee, or

(ii) any liability for which a charge is provided under section 55, clause 4, sub-clause (*b*) of the Transfer of Property Act, or

(iii) any liability in respect of any sum due to any public company as defined in the Indian Companies Act, 1913, or to any scheduled bank as defined by section 2 (*e*) of the Reserve Bank of India Act, 1934, if the interest payable in respect of the liability is not more than nine per cent per annum.

Provision as to costs, etc., in certain cases.

11. Where a debt payable by an agriculturist includes any sum decreed as costs by any Court, or sums lawfully expended by a mortgagee or other person in order to preserve the property mortgaged, such sum or sums shall be recoverable in addition to the sum recoverable under the provisions of sections 8 and 9.

Rate of interest payable by agriculturists on old loans.

12. All debts which have been scaled down under the provisions of this Act shall, so far as any sum remains payable thereunder, carry from the date up to which they have been scaled down interest on the principal amount due on that date at the rate previously applicable under law, custom, contract or otherwise :

Provided that it shall not in any case exceed 6¼ per cent per annum simple interest, that is to say, one pie per rupee per mensem, simple interest, or one anna per rupee per annum simple interest.

Rate of interest payable by agriculturists on new loans.

13. In any proceeding for recovery of a debt, the court shall scale down all interest due on any debt incurred by an agriculturist after the commencement of this Act, so as not to exceed a sum calculated at 6¼ per cent per annum, simple interest, that is to say, one pie per rupee per mensem simple interest, or one anna per rupee per annum simple interest :

Provided that the Provincial Government may, by notification in the Official Gazette, alter and fix any other rate of interest from time to time.

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Explanation.—For the purposes of this section, the definition of 'agriculturist' in section 3 (ii) shall be read as if—

(i) in proviso (A) to that section, for the expression "the two financial years ending 31st March 1938," the expression "the two financial years ending on the 31st March immediately preceding the date on which the debt is incurred" were substituted; and

(ii) in provisos (B) and (C) to that section, for the expression "the two years immediately preceding the 1st October 1937," the expression "the two years ending on the 31st March or the 30th September (whichever is later) immediately preceding the date on which the debt is incurred" were substituted.

Separation of share of debt in particular cases.

14. Notwithstanding anything contained in section 3 (ii) and subject to the provisions of sections 5 and 6, where in a Hindu family, whether divided or undivided, some of the members liable in respect of a family debt are not agriculturists while others are agriculturists, the creditor shall, notwithstanding any law to the contrary, be entitled to proceed—

(*a*) against the non-agriculturist member or members and his or their share of the family property, to the extent only of his or their proportionate share of the debt; and

(*b*) against the agriculturist member or members and his or their share of the family property, to the extent only of his or their proportionate share of the debt which shall be scaled down in accordance with the provisions of this Act.

CHAPTER III—ARREARS OF RENT.

Conditional discharge of arrears of rent due to landholders, etc.

15. (1) All rent payable by an agriculturist to a landholder or an under-tenure holder under the Madras Estates Land Act, 1908, or to a janmi or intermediary under the Malabar Tenancy Act, 1929, which has accrued for the fasli year 1345 and prior faslis and which is outstanding on the date of the commencement of this Act shall be deemed to be discharged

[margin: Act ...08. Act ...1930.]

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whether the rent be due as such or whether a decree has been obtained therefor :

Provided that where the person liable to pay rent (hereinafter in this section referred to as 'tenant') does not, on or before the 30th September 1939, pay up all arrears of rent accrued in respect of any holding for faslis 1346 and 1347, the arrears of rent for fasli 1345 and prior faslis which were outstanding in respect of the same holding on the date of the commencement of this Act shall be deemed to be discharged only in the same proportion as the rent due for faslis 1346 and 1347 which is paid up by the ryot or tenant bears to the rent due for those two faslis:

Provided further that no tenant shall be entitled to the benefit of this section unless he shall have paid in respect of the holding, the rent due for fasli 1347 on or before the 30th September 1938.

Explanation.—In cases governed by the Malabar Tenancy Act, 1929, any reference to a fasli year in this Chapter shall be deemed to be a reference to the agricultural year as defined in the Malabar Tenancy Act, 1929, which contains the greater part of the fasli year.

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Illustrations.—(*a*) A ryot or tenant is in arrear at the commencement of this Act in respect of rent for a particular holding for fasli 1345 and prior faslis in the sum of Rs. 500 and is in arrear on that date in respect of rent for the same holding for faslis 1346 and 1347, the rent for each fasli being Rs. 100. Within the 30th September 1938 he pays the rent for fasli 1347 and within 30th September 1939, he pays the rent for fasli 1346. The arrears of rent of Rs. 500 which were outstanding at the commencement of this Act will be deemed to be discharged.

(*b*) A sum of Rs. 500 representing the arrears of rent in respect of a particular holding for fasli 1345 and prior faslis and the rents for faslis 1346 and 1347 for that holding are in arrear and outstanding at the commencement of this Act, the rent for each fasli being Rs. 100. The ryot or tenant pays the landholder within 30th September 1938 the rent for fasli 1347 but fails to pay within the 30th September 1939 any

portion of the rent for fasli 1346. Only a sum of Rs. 250 or one half of the rent of faslis prior to and inclusive of fasli 1345 will be deemed to be discharged.

(*c*) In the same case, the ryot or tenant does not pay the landholder within the 30th September 1938 the whole of the rent for fasli 1347. No portion of the arrears for fasli 1345 and prior faslis is discharged, and the ryot loses the benefit of this section.

(*d*) In the same case, the ryot or tenant pays the landholder within 30th September 1938 the rent for fasli 1347, but pays within 30th September 1939 only Rs. 50, being half the rent for fasli 1346. He has thus paid Rs. 150 out of Rs. 200 being the rent of both the faslis 1346 and 1347, before 30th September 1939. A sum of Rs. 375, or three-fourths of the rent of faslis prior to and inclusive of fasli 1345 will be allowed to be discharged.

(2) Nothing contained in sub-section (1) shall be deemed to effect a discharge of arrears of rent which accrued due for fasli 1345 if proceedings for the recovery of such arrears stood stayed by an Act of the Legislature or by an order of a Court or if such proceedings, if instituted, would have stood so stayed. But the arrears of rent for fasli 1345 shall not be recoverable until the 30th September 1938 or if the rent for fasli 1347 is paid before that date, until the 30th September 1939.

s Act 108. (3) Notwithstanding anything to the contrary in any agreement or in section 64 of the Madras Estates Land Act, 1908, any payment of rent made by a tenant after the commencement of this Act shall be credited towards the rent due by him for fasli 1347 in the first instance and for fasli 1346 in the next instance, and not towards the rent due for any previous fasli.

(4) Every tenant shall be at liberty to pay into Court any amount towards the rent due or claimed to be due by him for faslis 1347 or 1346 or both and thereupon the Court shall, after notice to the landholder, under-tenure holder, janmi or intermediary, as the case may be, apply the provisions of this Act and determine whether the whole or only a portion of the rent for the faslis aforesaid has been paid by the

tenant, and also the extent of the remaining liability, if any, of the tenant for rent under the provisions of this Act.

Explanation.—For the purposes of this sub-section, 'Court' shall mean the Collector referred to in section 209 (1) of the Madras Estates Land Act, 1908, or the Court referred to in section 3 (*b*) of the Malabar Tenancy Act, 1929, as the case may be.

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andholder to be entitled to recover land cess and costs.

16. Notwithstanding anything contained in this chapter, a landholder or an under-tenure holder under the Madras Estates Land Act, 1908, or a janmi or intermediary under the Malabar Tenancy Act, 1929, shall be entitled to recover, in addition to any sum recoverable by him under section 15—

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(*a*) the land cess, if any, paid by him and recoverable under section 88 of the Madras Local Boards Act, 1920;

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(*b*) the land revenue and water cess, if any, paid by him to the Provincial Government which the tenant was bound to pay by virtue of any law, custom, contract or decree of court governing the tenancy; and

(*c*) the costs awarded to him in any decree for rent obtained by him.

Extension of limitation for suits, etc., for rent in certain cases.

17. Notwithstanding anything contained in the Madras Estates Land Act, 1908, or the Malabar Tenancy Act, 1929, or in any law of limitation or procedure in force for the time being, no suit or execution proceedings in respect of arrears of rent accrued for fasli 1345 or any prior fasli which, under the existing law, would become barred between the 1st October 1937 and the 30th September 1938, shall be so barred and the landholder, under-tenure holder, janmi or intermediary, as the case may be, shall be entitled to file a suit or institute execution proceedings for recovery thereof, on or before the 31st December 1938; and in cases where the rent due for fasli 1347 has been paid before the 30th September 1938, the period of imitation for any suit or execution proceedings for the recovery of any arrears of rent which, under the existing law, would become barred between the 1st October 1937 and the 30th September 1939, shall stand extended until the 31st December 1939:

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Provided that where on the 31st December 1938 or the 31st December 1939, as the case may be, an application under sub-section (4) of section 15 is pending in any Court, the period of limitation prescribed by this section shall stand extended until the expiry of a period of two months from the date of the order on such application.

CHAPTER IV—PROCEDURE AND MISCELLANEOUS.

Provision as to costs in certain cases.

18. (1) Where a decree is passed against an agriculturist in a suit filed on or after the 1st October 1937, the Court shall allow only such costs as would have been allowable if the suit had been filed for the amount of the debt as scaled down in accordance with the provisions of this Act, and where in any such case a decree has been passed before the commencement of this Act, the Court shall, on application by the agriculturist, amend the decree accordingly.

(2) Nothing in sub-section (1) shall apply to any suit instituted on or after the 1st October 1937 and before the commencement of this Act in respect of a claim which would be barred by limitation before the 1st April 1938.

Amendment of certain decrees.

19. Where before the commencement of this Act, a Court has passed a decree for the repayment of a debt, it shall, on the application of any judgment-debtor who is an agriculturist or in respect of a Hindu joint family debt, on the application of any member of the family whether or not he is the judgment-debtor or on the application of the decree-holder, apply the provisions of this Act to such decree and shall, notwithstanding anything contained in the Code of Civil Procedure, 1908, amend the decree accordingly or enter satisfaction, as the case may be:

Provided that all payments made or amounts recovered, whether before or after the commencement of this Act, in respect of any such decree shall first be applied in payment of all costs as originally decreed to the creditor.

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Stay of execution proceedings

20. Every court executing a decree passed against a person entitled to the benefits of this Act, shall on application, stay the proceedings until the court which passed the decree has passed orders on an application made or to be made under section 19:

Provided that where within 60 days after the application for stay has been granted the judgment-debtor does not apply to the court which passed the decree for relief under section 19 or where an application has been so made and is rejected, the decree shall be executed as it stands, notwithstanding anything contained in this Act to the contrary.

Explanation.—The expression "the court which passed the decree" shall have the same meaning as in the Code of Civil Procedure, 1908. Ac 19

Adjudications in insolvency

21. Nothing contained in this Act shall apply to the debts payable by any person who has been adjudicated an insolvent, if prior to the coming into force of this Act, a dividend has been declared out of his assets. If a dividend has not been so declared, this Act shall apply to the debts payable by such person if he would have been an agriculturist within the meaning of this Act but for his adjudication in insolvency.

Special provision in the case of certain sales of movable property.

22. Where, in execution of any decree, any movable property of an agriculturist has been sold on or after the 1st October 1937, any judgment-debtor may apply to the court for an order that the provisions of section 8 or 9, as the case may be and of sections 11 and 12 be applied to the decree, and the court, shall, if satisfied that the applicant is an agriculturist entitled to the benefits of those sections, apply the same and order the decree-holder to refund any sum received by him on or after the 1st October 1937 in excess of the amount to which he would have been entitled if the property had not been sold:

Provided that no such order shall be made without notice to the decree-holder and without affording him an opportunity to be heard in the matter.

Sales of immovable property to be set aside in certain cases.

23. Where in execution of any decree any immovable property, in which an agriculturist had an interest, has been sold or foreclosed on or after the 1st October 1937, then, notwithstanding anything contained in the Indian Limitation Act, 1908, or in the Act 190

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V of 08. Code of Civil Procedure, 1908, and notwithstanding that the sale has been confirmed, any judgment-debtor, claiming to be an agriculturist entitled to the benefits of this Act, may apply to the court within 90 days of the commencement of this Act to set aside the sale or foreclosure of the property, and the court shall, if satisfied that the applicant is an agriculturist entitled to the benefits of this Act, order the sale or foreclosure to be set aside, and thereupon the sale shall be deemed not to have taken place at all:

Provided that no such order shall be made without notice to the decree-holder, the auction purchaser, and other persons interested in such sale or foreclosure and without affording them an opportunity to be heard in the matter.

24. Where a sale is set aside under the preceding section, a purchaser shall be entitled to an order for repayment of any purchase money paid by him against the person to whom it has been paid : Consequential provision on setting aside of s

Provided that no poundage shall be payable in respect of any such sale and provided further that where poundage has been collected the court shall direct the same to be refunded.

25. All alienations of immovable property made by an agriculturist debtor on or after the 1st October 1937 shall be invalid as against every creditor whose sale in execution or foreclosure decree has been set aside under section 23 or who became entitled to rateable distribution of the proceeds of such sale under section 73 of the Code of Civil Procedure, 1908. Alienation by debtor — V of 08.

26. Any creditor may apply to the Collector of the district in which the creditor believes his debtor to have been or to be assessed to income-tax in terms of proviso (A) to section 3 (ii) or to profession, property or house tax under the Cantonments Act, 1924, in terms of provisos (B) and (C) to that section, for information as to the above facts and the Collector shall thereupon ascertain such information and grant to such creditor a memorandum in the prescribed form as to whether the debtor has been so assessed to income-tax or to profession, property or house tax. Such memorandum shall be received in every court as evidence of the facts stated therein. District Collector to furnish information as to certain facts. — II of 24.

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27. Any creditor may apply to the executive authority of a municipality, the president of a local board or the Revenue Officer of the Corporation of Madras for information as to whether his debtor was or is assessed to profession, property or house tax in terms of provisos (B) and (C) to section 3 (ii), and the executive authority, president or Revenue Officer shall thereupon grant to such creditor a certificate in the prescribed form as to whether the debtor named in the application has been so assessed to profession, property or house tax. Such certificate shall be received in every court as evidence of the facts stated therein.

wer to ke rules.

28. (1) The Provincial Government may make rules for carrying into effect the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, the Provincial Government may make rules—

(*a*) in regard to any matter which is required to be prescribed by this Act;

(*b*) prescribing the form of, and the fees to be paid in respect of, applications under this Act; and

(*c*) for removing any difficulty in giving effect to the provisions of this Act.

(3) All rules made under this section shall be consistent with the provisions of this Act. They shall be published in the Official Gazette and upon such publication shall have effect as if enacted in this Act.

THE MADRAS LEGISLATIVE COUNCIL.

Wednesday, the 2nd February 1938.

The House met at eleven of the clock, Mr. President (THE HON. DR. U. RAMA RAO) in the Chair.

I.—MOTION FOR SUSPENSION OF RULE 17.

THE HON. DR. T. S. S. RAJAN:—" Mr. President, Sir, I have the honour to move that rule 17 of the Madras Council Rules be suspended and the House do resolve to transact Government business to-day (Wednesday, the 2nd February 1938)."

MR. J. A. SALDANHA:—" Sir, I am sorry I have to protest rather strongly. We, Members of this Council, meet, I think, for the sixth time and we were promised that a non-official day would be given to us some time or other. There is no want of non-official business. I have got longstanding resolutions and four Bills and many more hon. Members have given notice of various motions. This is the way we are treated in this House, the minority; no non-official day has been thought of at all. To-morrow we might have official business; or in the course of the day we can have it if we finish non-official business and after resolutions and Bills of non-official Members are considered here. I think I must raise my humble voice of protest against this House not having a non-official day. I earnestly hope that at least at the next sittings of the Council we shall have a non-official day, so that non-official Members can bring forward Bills and resolutions to be considered by the House. There is lot of it in our pockets."

KHAN BAHADUR SIR MAHOMED USMAN SAHIB BAHADUR:—" We can have official business to-day; but I request the Hon. Leader of the House to consider the question of allotting a non-official day at the next sittings."

MR. B. NARAYANASWAMI NAYUDU:—" I propose that rule 17 be deleted from the Council Rules."

* THE HON. DR. T. S. S. RAJAN:—" Sir, I need not tell hon. Members of this House that in all legislatures, Government business is given the foremost preference. It is not the desire of the Government to cut off non-official business. But hon. Members may be aware that the pressure of Government work has been great in the previous sittings of the Council. But I do not on that account say that there need not be any non-official day. I remember the promise I made last time that we would try our best to allot a non-official day and more if necessary. I shall certainly remember what the Leader of the Opposition has stated. I shall certainly endeavour to provide for a non-official day during the next meetings of the Council."

The motion was put and carried.

II.—THE MADRAS CITY MUNICIPAL (AMENDMENT) BILL, 1938 (AS PASSED BY THE ASSEMBLY).

THE HON. MR. B. GOPALA REDDI :—" Mr. President, Sir, I b to move—

'*that the Madras City Municipal (Amendment) Bill* * 1938, *passed by the Legislative Assembly be taken into conside tion.*'

" The Bill has been passed by the Assembly yesterday; I may a that no amendment was tabled there and without any debate it w carried unanimously.

" As regards the provisions of this Bill, there has been, I do n say history behind them, but some correspondence between the Cor ration of Madras and the Government. It is at the instance of t Corporation itself that we have undertaken to move this amending Bi Section 85-A of the City Municipal Act says that the officers, t Corporation Engineer, the Water-works Engineer, the Electrical En neer, the Revenue Officer, the Educational Officer and the Health Offic should be appointed on minimum and maximum salaries. I may re for the benefit of the House the minimum and maximum salar fixed in the Act.

	Minimum.	Maximum.
	RS.	RS.
Health Officer	500	1,200
Electrical Engineer , ...	500	1,200
Revenue Officer	500	1,200
Water-works Engineer	400	800
Educational Officer	250	...

If this amending Bill is carried, the minimum will be removed a the maximum will be kept up. In August 1937, the Madras Corporati passed a resolution asking the Government to delete the provision rega ing the minimum salary, because according to the City Municipal A it does not include the leave and pensionary contributions to the Gover ment. The officer will have to be paid the salary of Rs. 500; besid that, leave and pensionary contributions must be paid to the Gover ment. If this amending Bill is passed, it will be to the benefit of t Corporation. The initiative will be left to the Corporation subject the confirmation of the Provincial Government. We do not direct propose to deal with or vary the salaries of the officers appointed. T Corporation of Madras will have a debate on the subject and when th send up their proposals to the Government, it will be open to the Gover ment either to sanction them or to reject them. With these words beg to move that the Bill be considered."

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* Printed as Appendix I on page 267 infra.

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THE RT. HON. V. S. SRINIVASA SASTRI:—" Mr. President, I am not sure if I understand the drift of the amendment correctly. Do I understand that in respect of the salary, for instance, of a certain officer, the scale being between Rs. 500 and Rs. 1,200 as hitherto, will be hereafter somewhere between Rs. 250 and Rs. 1,200? In other words does it mean that the range will be much larger than before and that Rs. 1,200 will be the maximum in certain cases? "

THE HON. MR. B. GOPALA REDDI:—" As I have already submitted, the maximum will be kept up and only the minimum is sought to be deleted. So, the Rt. Hon. Member is quite right in thinking that the range will be wider now than before."

THE RT. HON. V. S. SRINIVASA SASTRI:—" It is stated that this change was suggested by the Corporation and was recommended to the Government. It seems strange that an officer's salary would be on a wider range than before. If it is meant to put down the minimum of Rs. 500, one would expect that the maximum of Rs. 1,200 also should come down."

THE HON. MR. B. GOPALA REDDI:—" The appointment of the Revenue Officer was long pending before the Corporation; in that connexion the Corporation adopted this resolution several times, at least three or four times. They wanted to appoint an officer on Rs. 500 including the leave and pensionary contributions. But according to the Act and according to the definition of the word ' salary ', leave and pensionary contributions could not be included within the salary of Rs. 500. The Corporation wanted to fix the salary at Rs. 500 including the leave and pensionary contributions of the officer; they forwarded the proposal to the Government; on the specific request of the Corporation of Madras, this amending Bill is moved."

The motion was put and carried and the Bill was taken into consideration.

Clause 2.

* RAO BAHADUR N. M. SAMIAPPA MUDALIYAR:—" Mr. President, Sir, I beg to move the following amendment:—

' *In clause 2, add as sub-clause (ii) the following*:—

" Insert *as proviso* (*a*) *to section* 85 (1)—

' *The proposals relating thereto shall be taken into consideration by the Council only at the instance of the Commissioner and the Council may sanction them with or without modifications.*

' *The existing provisos* (*a*) *to* (*d*) *shall be relettered as* (*b*) *to* (*e*)." '

My reasons are these: the Hon. Mover of the Bill now stated that he brought forward this amendment at the request of the Corporation of

Madras, in view of the difficulty which the Corporation Counc experienced with regard to the appointment of the Revenue Officer o the minimum salary. I have no objection for deleting the minimu salary, because the salary might be reduced on financial ground But if the Council of the Corporation is given the power of startin this question, it will lead to many undesirable consequences becau the fate of these officers will be subjected to the fluctuation of the part politics of the Council. This amendment is not a new one. It is onl a copy of section 67 of the Local Boards Act, which runs as follows:-

'67. (1) The sanction of the local board shall be obtained fo all proposals for fixing or altering the number, designations and grade of its officers and servants and the salaries, fees and allowances payabl to them.

(2) Such proposals shall be taken into consideration by th local board only at the instance of its president and the local boar may sanction them with or without modifications:

Provided that no proposal adversely affecting any officer o servant of the local board who has been in the permanent service c the board for more than five years and is drawing a salary of not les than fifty rupees per mensem shall be considered except at a specia meeting convened for the purpose and no such proposal shall be give effect to, unless assented to by at least one half of the members then o the board.

* * * * *'

"Sir, I do not of course want this proviso in this Bill becaus there is provision for the confirmation of the proposals of the Corpora tion by the Government. If the proposal is to emanate from the Com missioner we can expect the Commissioner to bring forward the pro posal in an unbiased manner. But I think if the power is veste entirely in the hands of the Council, the position of these officers wil be very risky. If a councillor asks an officer to do a certain thing an the officer refuses to do it and the councillor happens to be a membe of the majority party in the Council, that councillor can try to reduc the scale of pay of the officer concerned. If the Local Governmen also is of the same party as the majority party in the Corporation, i will be embarrassing to them to turn down any proposal which eman ates from the same party. Only to provide against such contingencies I want that the proposal should emanate from the Commissioner With regard to the appointment of the Education Officer of the Corpo ration we hear so many complaints. I do not want to enter into an controversial matters regarding that appointment. My object in thi amendment is not at all to curtail the powers of the Council, but want that the Commissioner under whom those officers are to worl should have the initiative in this matter so that he may bring the sub ject before the Council only in deserving cases. I hope, Sir, that th amendment will be accepted."

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KHAN BAHADUR SIR MAHOMED USMAN SAHIB BAHADUR:—"Sir, I second the amendment, because it is a very sound suggestion that the proposal should emanate from the Commissioner rather than from the Council."

* MR. K. VENKATASWAMI NAYUDU:—"Sir, I am surprised that my hon. Friend on the other side who has had experience of various local bodies should have moved this amendment. Ordinarily one could expect that the councils would do their work properly and the members would discharge their duties to their electorates. Such being the case, I am surprised that the hon. Member should think that the local bodies cannot manage their affairs properly and that a proposal like this should emanate from the Commissioner. I suppose, Sir, that our previous experience of these matters has not been altogether wrong. If the lower limit is removed, it will be possible for the Corporation to appoint its officers on lower salaries. For instance it has been possible to appoint a Revenue Officer on less than Rs. 500 and an Educational officer also on less than Rs. 500."

KHAN BAHADUR SIR MAHOMED USMAN SAHIB BAHADUR:—"We do not object to that."

MR. K. VENKATASWAMI NAYUDU:—"So in such cases, the Council should have the power to lower the minimum salaries of these officers. It is with that object the amendment has been moved. The hon. Member opposite says that the Council should not have the power to fix these salaries. Suppose the Council is not given power to lower the minimum salary, the Council will say in one particular case that it wants an officer on Rs. 250."

RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—"I did not say that. I only say that the proposal should emanate from the Commissioner and not from the Council."

MR. K. VENKATASWAMI NAYUDU:—"I am coming to that point. The Council is the body which is eminently fitted to decide what the salary should be in any particular case. It is not for the Commissioner to say that he wants an officer on Rs. 500 or on Rs. 200. The hon. the Mover of the amendment said that the councillors would go and influence the officers and if the officers displease the councillors they will bring forward such resolutions. I say, Sir, he is not fair to the premier Corporation of Madras. Both in the appointment of the Revenue Officer and the Education Officer the Corporation has acted in the best interests of the City in trying to get an officer as cheap as possible in order to safeguard the public funds. It is not therefore proper that the Commissioner should have the initiative in this matter. He may of course put forward his suggestions if he likes but it is the Council which should decide what salary should be given to any particular officer. I strongly oppose the amendment."

* MR. R. SRINIVASA AYYANGAR:—"Sir, I rise to oppose the amendment. It would have been much better if an amendment of this

character had proceeded from a member of the Madras Corporation whose interests this Bill seeks to affect. But as an outsider has chosen to move this amendment I claim the same right as an outsider to oppose it. (Laughter.) The hon. the Mover of the amendment has told us that party politics will creep in and disturb the even tenor of the administration if this power is given to the Council. He also drew our attention to a certain section of the Local Boards Act. Sir, there is no such appointment as commissioner in these local boards. The section quoted by the hon. the Mover of the amendment does not refer to such a proposal emanating from the commissioner. It only speaks of a special meeting of the local board for such purposes. We have commissioners in municipalities and there are commissioners and commissioners. Experience of these commissioners has by no means been pleasant or agreeable. In some cases we have had good men, but in others we have had persons who have allowed their individuality to be merged in the chairman or anybody else at whose bidding they acted. In matters like this the commissioner ought not to be the sole judge to decide as to whether or not a certain proposal is to be placed before the Council. After all it is the Council that is responsible for the efficiency of the administration. The Commissioner is not legally responsible though in some respects he may be regarded so, for the affairs of the Corporation. He is only a subordinate of the Council. Suppose the Council wants certain concrete proposals to be adopted and the Commissioner refuses—his refusal may be reasonable or unreasonable—what can the Corporation do? Will it not lead to conflicts? And in order to get over the conflict, will not the Corporation be driven to the necessity of going up to the Government and getting rid of the Commissioner in some indirect manner? After all, Sir, responsibility vests in the Corporation which must have an absolute, final and controlling voice in these matters, subject of course, to the ultimate approval of the Government. Therefore I venture to submit that this amendment which constitutes the Commissioner as the sole authority to determine as to whether any proposal is to be placed before the Council or not will amount to a vote of censure on the Council which has got the right of sitting in judgment over the actions of the Commissioner. Sir, propriety is against this amendment, justice and fairplay are against it. I would like that the hon. Member withdraws it."

THE HON. MR. B. GOPALA REDDI:—"Sir, the mover of the amendment has suggested that any proposal relating to the salaries of the heads of departments should emanate from the Commissioner. Sir, the Council is the plenary authority in appointing these officers. The Act says that the Council shall appoint the Engineer, the Health Officer and such other officers as may be necessary who shall be heads of departments working under the Commissioner. The Commissioner has control over their work but the appointing authority is the Council and therefore they must have a say and an initial say in the matter of the salaries of these officers. It is not left to the Commissioner to say

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that he wants a Revenue Officer on Rs. 600—1,200 where the appointing authority, the Council says that they would have an officer on Rs. 400. Why should the Commissioner come forward with a proposal like that?

" And whatever may be the provisions of the Local Boards Act and the District Municipalities Act, the City Corporation stands on a different footing altogether. It is governed by a separate Act, its responsibilities are different, its revenues are enormous, it is a statutory body, and so it is not right that its powers should be taken away by the Commissioner. The Commissioner is there only to execute the orders of the Council as an executive officer. When heads of departments are to be appointed by the Council, it only stands to reason that such proposals should not emanate from the Commissioner." 11-3 a.m.

The amendment was put and lost.

Clause 2 was put and carried.

Clause 1 was put and carried.

The preamble was put and carried.

THE HON. MR. B. GOPALA REDDI :—" Mr. Speaker, Sir, I beg to move—

'that the Bill be passed into law.'

" I have no remarks now to add besides what I have already said previously. I request the House to pass the Bill into law."

The motion was put and carried and the Bill was passed into law.

III.—THE MADRAS CITY MUNICIPAL, DISTRICT MUNICIPALITIES AND LOCAL BOARDS (AMENDMENT) BILL, 1938 (AS PASSED BY THE ASSEMBLY).

THE HON. MR. B. GOPALA REDDI :—" Mr. President, Sir, I beg to move—

'that the Madras City Municipal, District Municipalities and Local Boards (Amendment) Bill [a], *1938, as passed by the Legislative Assembly be taken into consideration.'*

" Sir, the main provisions of the Bill relate to franchise. When the Council authorized Government to extend the life of the City Council, the Municipal Councils and Local Boards till 31st March 1938, I said that Government will be coming forward with another bill to extend their franchise, namely, the adoption of the Assembly Electoral Rolls. In accordance with that, I am now coming forward with this franchise Bill. Though this Bill looks very bulky, its principles are very simple, and I hope you will permit me to explain its provisions. Clauses 2, 3, and 4 relate to one principle, namely, that the Assembly rolls should be adopted. Clause 2 relates to the extension of this electoral roll to the Madras City Municipality, clause 3 to the District

[a] Printed as Appendix II on pages 268–280 infra.

Municipalities and clause 4 to the Local Boards. Clause 5 relates to the two labour seats in the City Corporation. The present Bill provides for two labour seats, the City being divided into two parts, the northern and the southern, and members are elected on union and non-union basis. That provision is dealt with in clause 5. Clause 6 says that whatever might be done by this amending Bill the present tenure of the members of the Corporation, the municipalities and the local boards will not be affected. Clauses 7, 8 and 9 deal with one principle, i.e., that whenever the elections may be held, the term will cease on the 1st November 1940, as if the elections were held in November 1937. Clause 7 relates to the Madras Corporation, clause 8 to the municipalities and clause 9 to local boards. Clause 10 deals with the term ' Adi-Dravida ' being removed and the term ' Scheduled Castes ' being adopted; because in the Assembly electoral roll the term ' Adi-Dravida ' is not mentioned. And so when the original principle is adopted, this clause is of a consequential nature. The last clause 11, is an enabling clause, i.e., that whenever a difficulty arises Government will issue rules to obviate them. I commend this Bill for the acceptance of this House. While doing so, let me also remind the House that there are positive and negative benefits accruing from this measure. Under the old rules the electoral rolls were prepared once in three years, and just on the eve of the elections the voters lists were revised. And if one's name is not found in that list, then he will have to wait for three years. Under the amending Bill it will be revised every year.

" Then you have the enlargement of the franchise in general. In all district boards and municipalities, this Assembly electoral roll gives a wider franchise. Thousands of people in several municipalities come to have a vote. For instance, under the old municipal electoral roll at Palamcottah the voters were only 4,700; but under the Assembly electoral roll it will be 14,000, a clear increase of 10,000 straightaway. And also I have got figures for district boards and municipalities. In Chingleput under the old rule the voting strength was 160,000; but under this electoral roll it is 252,000, an increase of 50 per cent. In Tinnevelly, it was 211,000, and now it is 312,000, thus an increase of one lakh. In Conjeeveram under the old rule it was 8,900, and now it is 15,200. In several other municipalities it is like that, and sometimes the increase is 300 per cent. In the Tuticorin Municipality, the increase is from 10,000 to 43,900. I am told in the Cuddapah and Bellary districts, the minority communities are benefited, the increase in the voting strength of the Muslims in Bellary and Adoni is from 30 per cent to 40 and 50 per cent respectively. Again the minority communities are benefited under the literacy qualification. The Christians also get the benefit under this measure. Because those who are able to read and write, if they file their application, get a vote. So generally speaking this Bill widens the franchise in the district boards and municipalities.

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" Women of scheduled classes also get a benefit under this measure. Formerly only women with some property had a vote. But now literacy is a qualification for a vote, and so even women who have no property will get a vote if they are able to read and write. Again wives of propertied husbands get a vote. Thus generally speaking, this amending Bill enlarges the franchise for women.

" Then there are many good points also in this Bill. You have seen in the old Act, the animal and vehicle tax was abused. Instances have come from several municipalities and district boards, that just on the eve of elections a large number of people come forward and say that they are paying a tax of eight annas and so are entitled to a vote, and therefore their names should find a place in the electoral roll. The Veterinary department also have complained that all on a sudden there is an abrupt increase in the number of dogs. In Nellore alone 11,000 people were included in the voters list simply on the ground that they are possessing a dog each. My Hon. Friend Mr. Muniswami Pillai also corroborates that statement. So also the possession of cycles and vehicles has become the cause of manipulation of votes. Lord Lothian's Committee has recommended the abolition of this qualification altogether. In the south, some of the people in municipalities began to own pigs sheerly for a vote in the elections. This too will be abolished; for under the Assembly electoral rolls people having animals and vehicles cannot have a vote. Under the old rules, unregistered leases also entitled a person to the vote; but now under the Assembly Electoral Rules only registered leases are recognized for a vote.

" Unregistered leases were a factor which was considered at length by the Local Self-Government Department previously. It was brought to the notice of Government that in Kistna district alone, when the revising authority was sitting considering objections, applications came by cartloads that there were a thousand lessees and that they should be entered in the electoral roll. Those applications were really a great problem to the revising authority because he did not know whether they were genuine cases. Under the Assembly Electoral Rules that difficulty is removed and you will have only registered leases and there will not be this abnormal increase of voters. 11-45 a.m

" There are also other considerations in favour of the course we are proposing to adopt. One is simplicity. We need not print the rolls always. When you accept our proposition you will have only one joint register applicable to the Assembly elections and to the municipal elections. If there are separate rolls for the Assembly and for the municipalities, difficulties of publication, etc., will be great. If there is one common roll for both and for all communities, the candidates of one community will be in touch with the voters of the other communities. Generally speaking, therefore our measure will enlarge the

franchise, simplify the procedure, retain the proportion of the communities and remove all possible difficulties in the preparation of the rolls. I hope the House will accept the motion."

The motion was put and carried and the Bill was taken into consideration."

* MR. PRESIDENT:—" As no amendment to any of the clauses has been received in the office, I propose to put all the clauses together, unless any member desires to oppose any particular clause.

" The question is that clauses 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 do stand part of the Bill."

The motion was put and carried.

Clause 1 was put and carried.

The preamble was then put and carried.

THE HON. MR. B. GOPALA REDDI:—" Mr. President, after the very controversial Bill that was passed yesterday by this House, I am glad that this franchise Bill has been adopted not only without any amendment, but also without any discussion. I thank all the Members of the House for accepting this Bill. I now move, Sir,—

> ' *that the Madras City Municipal, District Municipalities and Local Boards (Amendment) Bill,* 1938, *as passed by the Legislative Assembly, be passed into law* '."

The motion was put and carried and the Bill was passed into law.

* MR. PRESIDENT:—" The House will now adjourn and meet again at 3 p.m. on Tuesday, the 1st March 1938."

APPENDIX I.

[Vide item II at page 258 supra.]

A Bill further to amend the Madras City Municipal Act, 1919, *for certain purposes (as passed by the Assembly).*

WHEREAS it is expedient further to amend the Madras City Municipal Act, 1919, for the purposes hereinafter appearing; It is hereby enacted as follows :— Madras Act IV of 1919.

1. This Act may be called the Madras City Municipal (Amendment) Act, 1938.

2. In sub-sectoin (1) of section 85 of the Madras City Municipal Act, 1919—

(i) in the opening paragraph, after the words "who shall be heads of departments working under the Commissioner" the following sentence shall be added, namely :—

"The salary and allowances attaching to every such appointment shall be fixed by the Council subject to the sanction of the Provincial Government, and shall not be varied without the like sanction.";

(ii) in clause (*b*) of the proviso, the words "shall not be less than five hundred rupees and" shall be omitted;

(iii) in clause (*c*) of the proviso, the words "shall not be less than four hundred rupees and" shall be omitted; and

(iv) in clause (*d*) of the proviso, the words "shall not be less than two hundred and fifty rupees and" shall be omitted.

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APPENDIX II.

[Vide item III at page 263 supra.]

A Bill further to amend the Madras City Municipal Act, 1919, the Madras District Municipalities Act, 1920, and the Madras Local Boards Act, 1920, for certain purposes (as passed by the Assembly).

Madras Act IV of 1919. Madras Act V of 1920. Madras Act XIV of 1920.

WHEREAS it is expedient further to amend the Madras City Municipal Act, 1919, the Madras District Municipalities Act, 1920, and the Madras Local Boards Act, 1920, for the purposes hereinafter appearing; It is hereby enacted as follows :—

1. This Act may be called the Madras City Municipal, District Municipalities, and Local Boards (Amendment) Act, 1938. Sh

Madras Act IV of 1919.

2. In the Madras City Municipal Act, 1919, the following amendments shall be made, namely :— Am of Ac 19

(1) In section 3—

(i) clause (1) shall be omitted and clause (1-A) shall be renumbered as clause (1); and

(ii) after clause (25-A), the following clause shall be inserted, namely :—

"(25-B) ' Scheduled castes ' shall have the same meaning as in the Government of India (Scheduled Castes) Order, 1936, as in force for the time being, in regard to the City of Madras." 'S cas

(2) In sections 5 (1) (*a*), 45 (2) (*a*) and (*b*) and 46 (1), for the word " Adi-Dravidas " wherever it occurs, the words " members of the scheduled castes " shall be substituted.

(3) In section 46 (2), for the words " an Adi-Dravida ", the words " a member of the scheduled castes " shall be substituted.

(4) In section 46-A, for the word " Adi-Dravidas ", the words " members of the scheduled castes ", for the words " Adi-Dravida electors " in both the places where they occur, the words " electors of such castes ", and for the words " an Adi-Dravida ", the words " a member of any such caste " shall be substituted.

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(5) For sections 46-B, 47, 48, 49 and 49-A, the following sections shall be substituted, namely :—

" 46-B. One of the two seats specially reserved for labour under clause (*a*) of sub-section (I) of section 5 shall be filled by election by a labour electorate consisting of persons employed in a railway workshop or textile mill situated in the City, whose names are included in the electoral roll for any trade union labour constituency of the Madras Legislative Assembly, and the other seat by election by another labour electorate consisting of persons employed in the Madras Harbour or in a perennial factory (other than a railway workshop or textile mill) situated in the City, whose names are included in the electoral roll for the Madras City Dock and Factory Labour (excluding textile and railway labour) non-union labour constituency of the Madras Legislative Assembly.

47. Every person whose name is included in that part of the electoral roll for any territorial constituency of the Madras Legislative Assembly, which relates to any of the divisions referred to in sub-section (1) of section 45 shall be entitled to be included in the electoral roll for that division prepared for the purposes of this Act, and no other person shall be entitled to be included in such roll.

Explanation (1).—Where in the case of any territorial constituency of the Madras Legislative Assembly there is no distinct part of the electoral roll relating to a division, the names of all persons who are entered in such roll under the registration area comprising that division and whose addresses as entered in such roll are situated in such division, shall be entitled to be included in the electoral roll for the division prepared for the purposes of this Act.

Explanation (2).—No person's name shall be included in the electoral roll for more than

one division or in the electoral roll for any division in more than one place.

Explanation (3).—In this section and in section 48, "territorial constituency" shall have the same meaning as in the Sixth Schedule to the Government of India Act, 1935, that is to say, it shall mean one of the territorial constituencies mentioned in paragraphs five and eight of the Fifth Schedule to that Act.

48. (1) As soon as may be after the electoral rolls for the territorial and labour constituencies of the Madras Legislative Assembly which consist of, or comprise, or which relate to, the City or any portion thereof, have been published as provided in the Government of India Act, 1935, and the rules made thereunder, or as soon as may be after any revision of such electoral rolls has been completed and the alterations consequent on such revision have been published as aforesaid, as the case may be, the Commissioner shall, for the purposes of this Act, prepare and publish in such manner as the Provincial Government may direct, the portions of the said electoral rolls or of the alterations thereto which relate to each of the forty divisions referred to in sub-section (1) of section 45 and to each of the labour electorates referred to in section 46-B. Publication of electoral rolls, etc.

(2) Where after the electoral rolls for the forty divisions aforesaid or any alterations to such rolls have been published under sub-section (1), the boundaries of any such divisions are altered, the Commissioner shall, in order to give effect to such alteration of boundaries, re-arrange and republish in such manner as the Provincial Government may direct, the electoral rolls for each of the divisions concerned.

(3) The electoral roll for any division or for any labour electorate referred to in section 46-B published under sub-section (1),

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as revised by any alterations thereto subsequently published under that sub-section or under sub-section (2), shall remain in force until the publication under sub-section (1) of a fresh electoral roll for that division or labour electorate.

(4) Every person whose name appears in the electoral roll for any division or for any labour electorate referred to in section 46-B, as so revised, shall, so long as such roll remains in force, be entitled, subject to the provisions of this Act, to vote at an election for the division or by the labour electorate concerned, and no person whose name does not appear in such roll shall vote at such an election.

Names of electors belonging to the Scheduled castes to be distinguished from the rest.

49. In the electoral roll for each of the divisions notified by the Provincial Government under sub-section (2) of section 45 as the divisions in which seats shall be reserved for members of the scheduled castes, the names of the electors belonging to such castes shall be shown separately or be distinguished from the names of the other electors in such manner as the Provincial Government may direct. "

(6) In section 51 (1) (*b*), for the word " Adi-Dravidas ", the words " members of the scheduled castes " and for the words " an Adi-Dravida ", the words " a member of any such caste " shall be substituted.

(7) In section 51 (1) (*c*), for the words " labour constituency ", the words " labour electorate " and for the words " constituencies for labour ", the words " labour electorates " shall be substituted.

(8) In section 51 (1) (*d*), for the words " constituencies for labour ", the words " labour electorates " and for the words " member possessing the residential qualification under section 49-A of anv of the bodies referred to in clauses (*b*), (*c*), (*d*) and (*g*) of sub-section (1)

of section 5 ", the words " member of any of the bodies referred to in clauses (*b*), (*c*), (*d*) and (*g*) of sub-section (1) of section 5 who has resided in the City for ninety days in the aggregate in the year preceding that in which the election is held " shall be substituted.

(9) In section 59 (2), clause (*a*) and the words " relating to electoral rolls or " in clause (*b*) shall be omitted and for the word " Adi-Dravidas " in the second proviso to clause (*c*), the words " members of the scheduled castes " shall be substituted.

Amendment of Madras Act V of 1920.

3. In the Madras District Municipalities Act, 1920, the following amendments shall be made, namely :—

(1) In section 3—

(i) clause (1) shall be omitted and clause (1-A) shall be renumbered as clause (1); and

(ii) after clause (28), the following clause shall be inserted, namely :—

'Scheduled castes.'

" (28-A) ' Scheduled castes ' shall have the same meaning as in the Government of India (Scheduled Castes) Order, 1936, as in force for the time being, in regard to the municipality concerned."

(2) In section 7 (3) (*c*), for the word " Adi-Dravidas ", the words " Members of the scheduled castes " shall be substituted.

(3) For sections 44 and 45, the following section shall be substituted, namely :—

Qualifications for inclusion in electoral roll for municipality and publication thereof.

" 44. (1) Every person whose name is included in that part of the electoral roll for any territorial constituency of the Madras Legislative Assembly, which relates to the municipality or any portion thereof, shall be entitled to be included in the electoral roll for the municipality prepared for the purposes of this Act, and no other person shall be entitled to be included in such roll.

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Explanation (1).—Where in the case of any territorial constituency of the Madras Legislative Assembly, there is no distinct part of the electoral roll relating to the municipality, the names of all persons who are entered in such roll under the registration area comprising the municipality and whose addresses as entered in such roll are situated in the municipality shall be entitled to be included in the electoral roll for the municipality prepared for the purposes of this Act.

Explanation (2).—No person's name shall be included in the electoral roll for the municipality in more than one place.

(2) As soon as may be after the electoral rolls for the territorial constituencies of the Madras Legislative Assembly which consist of, or comprise, the municipality or any portion thereof, have been published as provided in the Government of India Act, 1935, and the rules made thereunder, or as soon as may be after any revision of such electoral rolls has been completed and the alterations consequent on such revision have been published as aforesaid, as the case may be, any person authorized by the election authority in this behalf shall publish in such manner as the Provincial Government may direct, the portions of the said electoral rolls or of the alterations therein which relate to the municipality, as the electoral roll for the municipality or as alterations to such roll, as the case may be.

(3) When a municipality has been divided into wards, the electoral roll for the municipality shall be divided into separate lists for each ward.

(4) Where after the electoral roll for a municipality or any alterations thereto have been published under sub-section (2), the

municipality is divided into wards for the first time or the division of the municipality into wards is altered, the election authority shall, as soon as may be after such division or alteration, as the case may be, in order to give effect to the division of the municipality into wards or to the alteration of the wards, as the case may be, authorize a re-arrangement and re-publication of the electoral roll for the municipality or any part of such roll, in such manner as the Provincial Government may direct.

(5) The electoral roll for the municipality published under sub-section (2), as revised by any alterations thereto subsequently published under that sub-section or under sub-section (4), shall remain in force until the publication of a fresh electoral roll for the municipality under sub-section (2).

(6) Every person whose name appears in the electoral roll for the municipality, as so revised, shall, so long as it remains in force, be entitled, subject to the provisions of this Act, to vote at an election; and no person whose name does not appear in such roll shall vote at an election.

Explanation.—In this section, ' territorial constituency ' shall have the same meaning as in the Sixth Schedule to the Government of India Act, 1935, that is to say, it shall mean one of the territorial constituencies mentioned in paragraphs five and eight of the Fifth Schedule to that Act."

(4) In section 47, for the expression " sub-section (5) " the expression " sub-section (6) " shall be substituted.

(5) In the second proviso to section 303 (2) (*b*), for the words " any Adi-Dravida candidate ", the words " any candidate who is a

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member of the Scheduled castes " shall be substituted.

ras Act of 1920

4. In the Madras Local Boards Act, 1920, the following amendments shall be made, namely:— Amendme of Madras Act XIV of 1920.

(1) In section 3—

(i) clause (1) shall be omitted and clause (1-A) shall be renumbered as clause (1); and

(ii) after clause 20, the following clause shall be inserted, namely:—

" (20-A) ' Scheduled castes ' shall have the same meaning as in the Government of India (Scheduled Castes) Order, 1936, as in force for the time being, in regard to the local area concerned. "

(2) In sections 9 (1) (*c*) and 9 (2) (*c*), for the word " Adi-Dravidas ", the words " Members of the scheduled castes " shall be substituted.

(3) For sections 51 and 52, the following section shall be substituted, namely:—

" 51. (1) Every person whose name is included in that part of the electoral roll for any territorial constituency of the Madras Legislative Assembly, which relates to the area of the local board (hereinafter in this section referred to as ' local area ') or any portion thereof, shall be entitled to be included in the electoral roll for the local board prepared for the purposes of this Act, and no other person shall be entitled to be included in such roll. Qualifications for inclusion electoral roll for local boar and publication thereof.

Explanation (1).—Where in the case of any territorial constituency of the Madras Legislative Assembly, there is no distinct part of the electoral roll relating to a local area, the names of all persons who are entered in such roll under the registration area comprising that local area and whose addresses as entered in such roll are situated in such local area shall be entitled to be included in the electoral roll for the local board prepared for the purposes of this Act.

Explanation (2).—No person's name shall be included in the electoral roll for a local board in more than one place.

(2) As soon as may be after the electoral rolls for the territorial constituencies of the Madras Legislative Assembly which consist of, or comprise, the local area or any portion thereof, have been published as provided in the Government of India Act, 1935, and the rules made thereunder, or as soon as may be after any revision of such electoral rolls has been completed and the alterations consequent on such revision have been published as aforesaid, as the case may be, any person authorized by the prescribed authority in this behalf shall publish in such manner as the Provincial Government may direct, the portions of the said electoral rolls or of the alterations therein which relate to the local area, as the electoral roll for the local board or as alterations to such roll, as the case may be.

(3) The electoral roll for a district board shall be divided into separate parts for each circle and when a village has been divided into wards, the electoral roll for the panchayat shall be divided into separate parts for each ward.

(4) (*a*) Where after the electoral roll for a district board or any alterations thereto have been published under sub-section (2), the division of the district into circles is altered, the prescribed authority shall, in order to give effect to the alteration of the circles, authorize a re-arrangement and re-publication of the electoral roll for the district board or any part of such roll in such manner as the Provincial Government may direct.

(*b*) Where after the electoral roll for a panchayat or any alterations thereto

have been published under sub-section (2), the village is divided into wards for the first time or the division of the village into wards is altered, the prescribed authority shall, in order to give effect to the division of the village into wards or to the alteration of the wards, as the case may be, authorize a re-arrangement and re-publication of the electoral roll for the panchayat or any part of such roll, in such manner as the Provincial Government may direct.

(5) The electoral roll for the local board published under sub-section (2), as revised by any alterations thereto subsequently published under that sub-section or under sub-section (4), shall remain in force, until the publication of a fresh electoral roll for the local board under sub-section (2).

(6) Every person whose name appears in the electoral roll for the local board as so revised, shall, so long as it remains in force, be entitled, subject to the provisions of this Act, to vote at an election; and no person whose name does not appear in such roll shall vote at an election.

Explanation.—In this section, ' territorial constituency ' shall have the same meaning as in the Sixth Schedule to the Government of India Act, 1935, that is to say, it shall mean one of the territorial constituencies mentioned in paragraphs five and eight of the Fifth Schedule to that Act."

(4) In section 53, for the expression " sub-section (5), " the expression " sub-section (6) " shall be substituted.

(5) To sub-section (1) of section 54, the following proviso shall be added, namely:—

" Provided that a person whose name appears in the electoral roll for a municipality (including the City of Madras) or a cantonment, situated within three miles of any

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district, which has been published under the Madras City Municipal Act, 1919, the Madras District Municipalities Act, 1920, or the Cantonments Act, 1924, and which is in force for the time being, shall be qualified for election to any seat on the district board for that district."

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(6) In the second proviso to section 199 (2) (*b*), for the words "an Adi-Dravida candidate," the words "any candidate who is a member of the scheduled castes" shall be substituted.

(7) Schedule III shall be omitted.

Determination of labour electorates corresponding to existing labour constituencies.

5. As soon as may be after the commencement of this Act, the Provincial Government shall determine which of the labour electorates referred to in section 46-B of the Madras City Municipal Act, 1919, as amended by this Act, shall correspond to each of the labour constituencies referred to in that section as it stood before the commencement of this Act; and the provisions of the Madras City Municipal Act, 1919, and of this Act shall apply accordingly, and in particular, the divisional seat for labour included in the fifteen divisional seats in the City of Madras, elections to which were postponed by section 2 of the Madras City Municipal, District Municipalities and Local Boards (Amendment) Act, 1937, shall be filled by the corresponding labour electorate.

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Tenure of office of members of local bodies holding office at commencement of Act not to be affected.

6. Save as otherwise provided in section 5, nothing contained in this Act shall be deemed to affect the tenure of office of any person holding office at the commencement of this Act as a member of any municipality or local board constituted under the Madras City Municipal Act, 1919, the Madras District Municipalities Act, 1920, or the Madras Local Boards Act, 1920.

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Term of office of certain members of the Corporation of Madras.

7. The term of office of the councillors elected at the first ordinary elections held after the commencement of this Act to the fifteen divisional seats in the Corporation of Madras, elections to which seats were

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postponed by section 2 of the Madras City Municipal, District Municipalities and Local Boards (Amendment) Act, 1937, shall— adras Act V of 1937.

(a) commence immediately on the expiry of the date up to which the term of office of their predecessors was extended under section 2 aforesaid or forthwith if the election in any case has been completed after that date; and

(b) subject to the provisions of the Madras City Municipal Act, 1919, expire at noon on the 1st day of November 1940. adras Act of 1919.

Term of office of councillors of certain municipalities.

8. The term of office of the councillors elected at the first ordinary elections held after the commencement of this Act to any municipality constituted under the Madras District Municipalities Act, 1920, elections to which were postponed under section 3 of the Madras City Municipal, District Municipalities and Local Boards (Amendment) Act, 1937, shall— adras Act of 1920. adras Act V of 1937.

(a) commence immediately on the expiry of the date up to which the term of office of their predecessors was extended, or up to which the constitution or reconstitution of the municipality was postponed, as the case may be, under section 3 aforesaid, or forthwith if the election in any case has been completed after that date; and

(b) subject to the provisions of the Madras District Municipalities Act, 1920, and the Madras District Municipalities and Local Boards (Amendment) Act, 1921, expire at noon on the 1st day of November 1940. adras Act of 1920. adras Act of 1922.

Term of office of members of certain local boards.

9. The term of office of the members elected at the first ordinary elections held after the commencement of this Act to any local board constituted under the Madras Local Boards Act, 1920, elections to which were postponed under section 4 of the Madras City Municipal, District Municipalities and Local Boards (Amendment) Act, 1937, shall— adras Act V of 20. adras Act of 1937.

(a) commence immediately on the expiry of the date up to which the term of office of their predecessors was extended, or up to which the

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constitution or reconstitution of the local board was postponed, as the case may be, under section 4 aforesaid, or forthwith if the election in any case has been completed after that date; and

(*b*) subject to the provisions of the Madras Local Boards Act, 1920, and the Madras District Municipalities and Local Boards (Amendment) Act, 1921, expire at noon on such date not being later than the 31st December 1940 as the Provincial Government may fix.

Madras Act XIV of 1920.
Madras Act II of 1922

Construction of references to 'Adi-Dravidas' in Notification, etc.

10. All notifications, rules and orders issued before the commencement of this Act under the Madras City Municipal Act, 1919, the Madras District Municipalities Act, 1920, or the Madras Local Boards Act, 1920, shall be construed as if references to 'Adi-Dravidas' therein were references to members of the scheduled castes.

Madras Act IV of 1919
Madras Act V of 1920.
Madras Act XIV of 1920

Power to remove difficulties.

11. If any difficulty arises in giving effect to the provisions of this Act or of the Madras City Municipal Act, 1919, the Madras District Municipalities Act, 1920, or the Madras Local Boards Act, 1920, as amended by this Act, the Provincial Government may, as occasion may require, by order, do anything which appears to them to be necessary for the purpose of removing the difficulty.

Madras Act IV of 1919
Madras Act V of 1920.
Madras Act XIV of 1920

THE MADRAS LEGISLATIVE COUNCIL.

Tuesday, the 1st March 1938.

The House met at three of the clock in the Council Chamber, Fort St. George, Mr. President (THE HON. DR. U. RAMA RAO) in the Chair.

I.—SWEARING IN OF NEW MEMBER.

MR. D. M. REID was sworn in.

II.—FELICITATION TO THE HON. THE PREMIER.

* KHAN BAHADUR SIR MAHOMED USMAN SAHIB BAHADUR:—"Sir, I have been asked by several hon. Members including the Rt. Hon. Srinivasa Sastri to express our joy at the Hon. the Premier being restored to perfect health. On behalf of the Council I wish him all good luck."

III.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Women and Children Hospital at Mangalore and inadequacy of staff of paid nurses and midwives employed therein.

* 42 *Q.*—MR. J. A. SALDANHA: Will the Hon. the Minister for Public Health be pleased to refer to my questions and Government answers to them in the proceedings of the Madras Legislative Council, Volume XXII, pages 367 and 368, Volume XXV, page 67, and Volume L, page 1197, on the subject of the Women and Children Hospital at Mangalore and to place before the House a statement showing—

(1) the total capital expenditure on the buildings of the hospital;

(2) the contributions of the people by subscriptions and endowments of wards or beds for meeting the expenditure;

(3) the various wards for different classes of patients, surgical, obstetric, gynæcological, septic, tuberculosis, children's, etc.;

(4) the staff of stipendiary physicians, surgeons, assistant surgeons, sub-assistant surgeons, etc., and honorary with their degrees and other qualifications;

(5) the numbers of paid nurses and midwives and pupil midwives; and

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(6) the average number of in-patients in each of the years 1935 and 1936 as compared with that in 1934 and state—

(a) whether the staff of paid nurses and midwives in the hospital is below the average required having regard to the number of in-patients; and

(b) whether any demands have been made for a larger staff of nurses and midwives and, if so, with what result?

THE HON. DR. T. S. S. RAJAN:—" A statement [a] furnishing the required information is laid on the table.

" (a) No. The staff is considered to be adequate.

" (b) No application has been made for additional staff.

MR. J. A. SALDANHA:—" May I enquire whether the Government are going to take any steps to increase the number of nurses? "

THE HON. DR. T. S. S. RAJAN:—" The Government consider the number of nurses to be adequate."

Acreage under irrigation under the Badvel-Lakshmipalayam tank in Cuddapah district and scheme for digging a supply channel from Sagileru river.

* 43 Q.—MR. B. BHIMA RAO for Mr. V. Vasanta Rao: Will the Hon. the Minister for public Works be pleased to state—

(a) the acreage under irrigation under the Badvel-Lakshmipalayam tank in the Cuddapah district;

(b) whether the tank received its full supply at any time within the last quarter of a century;

(c) whether there are any supply channels; if so, whether they are silted up; and

(d) whether the scheme of supplying the tanks from water of Sagileru river by digging a supply channel has been brought to the notice of the authorities ever before; if so, why it was abandoned?

THE HON. MR. YAKUB HASAN:—" (a) The area irrigated by the tank is 2,954·22 acres.

" (b) The answer is in the affirmative.

" (c) There are no regular supply channels to the tank except the drainage courses from adjoining hills.

" (d) The scheme was considered by Government in 1906. It was found that even under the most favourable circumstances there was no chance of the project paying even its working expenses.

[a] Printed as Appendix I on page 306 infra.

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However, the Chief Engineer for Irrigation has since instructed the local officers to re-examine the scheme again both on engineering and financial aspects to see if further investigation of the project could be taken up."

Industries, if any, that can be produced out of sweet or fermented toddy.

* 44 *Q.*—MR. J. A. SALDANHA: Will the Hon. the Minister for Industries and Labour be pleased to state—

(*a*) what industries have been found by the Government capable of being produced out of toddy, sweet or fermented, instead of its being used for drink; and

(*b*) what steps the Government have decided to take to foster such industries in industrial schools and outside?

THE HON. MR. V. V. GIRI:—" (*a*) Sweet toddy could be converted into jaggery which in turn can be refined into sugar. Sugar can also be produced directly from sweet toddy. Arrack can be distilled from fermented toddy which can also be turned into vinegar.

" (*b*) Jaggery manufacture is not a suitable industry to teach or demonstrate in industrial schools. The Industries department have staged demonstrations in the past in regard to the manufacture of sugar and jaggery from sweet palmyra and coconut toddy, e.g.,

(1) manufacture of white sugar and jaggery by the open pan system from palmyra sweet toddy in Rettakulam, Tinnevelly district, in 1935;

(2) manufacture of white sugar from date palm sweet toddy by the open pan system in Peddapavan, Nellore district, in 1933; and

(3) manufacture of white sugar and superior class of jaggery from palmyra sweet toddy in Navadur, West Godavari district, in 1936.

The department demonstrated the manufacture of superior jaggery and white sugar from the coconut sweet toddy at Salem during the months of October-December 1937. It also intends to demonstrate the manufacture of superior jaggery from palmyra sweet toddy in Salem shortly. The Government will be prepared to stage the demonstration of the manufacture of jaggery and sugar from palmyra and coconut sweet toddy by means of centrifugal machines in individual cases, provided the party agrees to bear the cost of transport of the equipment and also working expenses. Two recent examples are the Dimili Co-operative Society and the Hospet agriculturists."

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MR. J. A. SALDANHA:—" May I enquire whether the Government are considering the possibility of manufacturing power alcohol from molasses?"

THE HON. MR. V. V. GIRI:—" This matter is actually being investigated."

Industries in Vizagapatam district that get State Aid.

* 45 Q.—MR. B. BHIMA RAO for Mr. P. Virabhadraswami: Will the Hon. the Minister for Industries and Labour be pleased to state what the various industries are for which state aid has been given till now under the State Aid to Industries Act in the Vizagapatam district?

THE HON. MR. V. V. GIRI:—" State aid has been given so far in the Vizagapatam district for the development of the pyrotechnic match industry to the extent of Rs. 11,000 and for the oil milling industry to the extent of Rs. 40,000."

Amount of state aid given to various industries and proposal, if any, to grant aid to hand-pounding rice industry, khadi industry and match industry.

* 46 Q.—MR. B. BHIMA RAO for Mr. P. Virabhadraswami: Will the Hon. the Minister for Industries and Labour be pleased to place on the table the list of persons who were granted state aid, the names of the industries for which state aid was given, the amounts lent, the years in which they were lent and how much was paid back in each case, and state—

(a) whether the Government are satisfied that the moneys lent are properly utilized;

(b) whether there are any pending applications for state aid from the Vizagapatam district with the Government;

(c) if so, how many and when would the Government be pleased to dispose them of;

(d) whether the Government propose to grant state aid in the case of those who start hand-pounding rice industry and khadi industry with a small capital of Rs. 2,000 and below and match industry on a capital of not more than Rs. 10,000; and

(e) if so, on what conditions?

THE HON. MR. V. V. GIRI:—" *First part of the question and clause (a)*.—A statement [a] is placed on the table of the House furnishing the information.

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[a] Printed as Appendix II on pages 307–308 infra.

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"(b) & (c) Two applications are pending. They are under examination.

"(d) & (e) It is open to the industries concerned to apply for aid under the Madras State Aid to Industries Act and the grant of aid will be subject to the provisions of the Act and rules framed thereunder."

Medical and nursing staff of Women and Children Hospital at Mangalore and their transfers.

* 47 Q.—MR. J. A. SALDANHA: Will the Hon. the Minister for Public Health be pleased—

(a) to place before the House a statement showing—

(i) the names of the medical and nursing staff of the Women and Children Hospital at Mangalore during the one year ending 30th September 1937;

(ii) changes with dates by transfer or resignation of any members with names of the same staff during that year;

(iii) the name of any member of the medical staff whose transfer (with date) was ordered within that year but retained; and

(iv) if any such cancellation of the order of transfer took place, for what reasons, on whose recommendation, and by whose orders and on what date;

and to state—

(b) what complaints have been received against any members of the medical staff of the hospital during the year and what orders have been passed by the Surgeon-General and Government?

THE HON. DR. T. S. S. RAJAN:—"A statement [a] furnishing the required information is laid on the table."

MR. J. A. SALDANHA:—"May I enquire why several nurses were transferred within a short time? Is there any explanation for the transfer?"

THE HON. DR. T. S. S. RAJAN:—"I think the answer gives all the information wanted by the hon. Member."

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[a] Printed as Appendix III on page 309 infra.

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Mr. J. A. SALDANHA:—"May I ask whether there was any complaint recently made against Mrs. Thomas, Woman Suh-Assistant Surgeon?"

The Hon. Dr. T. S. S. RAJAN:—"This specific question cannot be answered unless time is given; if the hon. Member would put down a fresh question, I shall call for the information."

Particulars regarding the tours made by the Commissioner, Hindu Religious Endowments Board, Tanjore district, during 1935–37.

* 48 *Q.*—Rao Bahadur N. R. SAMIAPPA MUDALIYAR: Will the Hon. the Minister for Public Health be pleased to call for a statement from the Hindu Religious Endowments Board showing the following particulars relating to the tour of the Commissioner in charge of the Tanjore district in the Tanjore district during the years 1935, 1936 and in 1937 up to 1st of November, and place it on the table of the House:—

(i) the tour programme as originally settled and published in the newspapers;

(ii) the change or changes if any in the programme with reason for such change; and

(iii) the temple or temples visited by him on each day, the distance of those temples from the place where he halted on that day, the time when he started from, and the time when he returned to, his halting place and the time he spent in each institution?

The Hon. Dr. T. S. S. RAJAN:—"A statement giving the information as far as it is available is kept in the Legislative Council Library for reference."

Appointment of retired District Munsifs and Sub-Judges as honorary Judicial Officers.

* 49 *Q.*—Mr. R. SRINIVASA AYYANGAR: Will the Hon. the Minister for Courts and Prisons be pleased to state whether there is a proposal to appoint retired District Munsifs and Sub-Judges as honorary Judicial Officers and transfer to them suits and appeals for disposal?

The Hon. Mr. V. I. MUNISWAMI PILLAI on behalf of the Hon. Mr. K. Raman Menon:—"There is no such proposal under the consideration of Government."

Mr. R. SRINIVASA AYYANGAR:—"Will the Hon. the Minister take steps to obtain the opinion of the District Judge and the Bar Association on this question?"

The Hon. Mr. V. I. MUNISWAMI PILLAI:—"The Government will consider it."

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UNSTARRED QUESTIONS

Provision for accommodating tuberculosis patients in the Women and Children's Hospital at Mangalore.

23 *Q.*—MR. J. A. SALDANHA: With reference to the answer given on 1st September 1937 to my starred question No. 28, will the Hon. the Minister for Public Health be pleased to state—

(*a*) whether the Government have enquired into the matter of providing beds for tuberculosis patients in the Women and Children Hospital at Mangalore and have moved the authorities concerned to provide beds for tuberculosis patients; and

(*b*) if so, what the number is of beds so provided and whether accommodation has been found in a separate ward for them?

A.—(*a*) & (*b*) The Surgeon-General considers that a new ward of 12 beds should be constructed in the hospital for tubercular patients. He will be asked to submit detailed proposals for the provision of such a ward.

Admission of patients into the Women and Children Hospitals at Calicut and Mangalore from outside the districts of Malabar and South Kanara respectively.

24 *Q.*—MR. J. A. SALDANHA: Will the Hon. the Minister for Public Health be pleased to place before the House a statement showing the number of patients admitted into the Women and Children Hospitals at Calicut and Mangalore during the last one year from outside the respective districts of Malabar and South Kanara, from what date to what date each such patient was retained, and under what circumstances?

A.—A statement [a] furnishing the required information is laid on the table.

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[a] Printed as Appendix IV on pages 310–311 infra.

[*Note.*—**An asterisk (*) at the commencement of a speech indicates revision by the Member.**]

IV—BUDGET FOR 1938-1939.

* THE HON. MR. C. RAJAGOPALACHARIAR :—" Sir, I beg to present to this House the Revised Estimates for the year 1937–1938, and the Budget Estimates for the next year 1938–1939.

Political background.

" I cannot begin, however, without giving expression to the feeling that is foremost in my mind. The sky was overcast with two great clouds that threw their shadows on us and made the future dark. In the United Provinces and Bihar, the Congress vacated the seat of responsibility unable to tolerate the ghost of the old dyarchy that refused to disappear from its old haunts and attachments, and sought to interfere and cast its pale shadow over the autonomy which the representatives of the people were invited to preside over. We are glad to note that for the time being the problem has been solved. But there cannot be confidence or security for responsible Government until the evil spirit is fully exorcized.

" Then there is the riddle of the Central Government. An All-India Federation, as it has been alluringly called, still sits like a nightmare on the plans and policies of the Provincial Governments. It is not yet certain whether wisdom will prevail, and a more natural and suitable form of Central Government will be devised which will make strength and reality flow into the veins of the Provincial Governments.

" In spite of these dark clouds overhanging we must carry on, for the moment ignoring them. Thus only can the party whom I have the honour to represent hope to function in power and responsibility, carrying on as if staying for a century, but ever ready also to retire the next morning, if necessary. I need not take the time of the House over the final accounts of 1936–1937. These and many other matters, I can slide over, if hon. Members will permit me to do so, having before them printed copies of my speech introducing the Budget in the other House.

1937–1938.

Seasons.

" I come now to the current year 1937–1938. In my budget speech last September, I expressed the hope that conditions during the year might prove to be more favourable to the ryot than in the previous year. Rainfall was excessive in the Carnatic, the Central districts and the South, with the result that a number of districts were affected by abnormal floods. District Collectors were instructed to make arrangements for the early inspection of affected areas and to afford relief to sufferers, for which the Government placed such funds as were required at their disposal.

" The officers acted with commendable promptitude and relief work was excellently done.

Famine.

" The Rayalaseema is in the throes of a famine. Prompt steps were taken as soon as it was felt that relief operations were necessary. Some relief works and several test works have been opened in the Adoni, Alur, Bellary and Siruguppa taluks of the Bellary district, in the Gooty taluk of the Anantapur district and in the Pattikonda taluk of the Kurnool district, and the expenditure anticipated on them is about Rs. 2 lakhs in the current year and about Rs. 6 lakhs next year. In Anantapur, employment has also been provided by the opening of road works by the district board which has been given grants amounting to Rs. 25,000. Similar road works financed by a Government grant of Rs. 15,000 have also been started by the Kurnool District Board in the affected parts of the district. These grants will have to be supplemented if as appears probable the works have to be continued until the next monsoon.

" To meet the scarcity of pasture and fodder, several ryots' forests in the Anantapur district have been thrown open for free grazing, and cultivation of fodder crops in tank beds has also been permitted. In the Bellary district a scheme for the collection and distribution of hill grass has been organized and a special staff to deal with applications for loans for the purchase of fodder has been sanctioned. The collection of land revenue as well as of loan instalments in respect of loans granted in previous years has also been suspended.

" Generally speaking the reports show that water-supply is normal except in parts of these three districts and a few other areas. The outturn of crops has been generally

fair except in Kurnool, Bellary and Anantapur, and the condition of cattle good. The retail prices of all food-grains except ragi are generally at a rather higher level than in last year; but those of coconut, pepper, jaggery and commercial crops (especially groundnut and cotton) continue to be disappointingly low. Prices.

" The actual figures of revenue and of expenditure to be met from current revenues for the year closing 1937–1938 as per the budget estimate and as per the revised estimate may be summarized as follows :— 1937–1938, Revised Estimate—Revenue Account.

	Budget Estimate.	Revised Estimate.	Increase.
	LAKHS.	LAKHS.	LAKHS.
	RS.	RS.	RS.
Revenue	15,91·80	16,13·04	21·24
Expenditure on revenue account ..	15,91·74	16,10·35	18·61
Surplus	·06	2·69	..

" Some explanation of the figures is however necessary for a proper understanding of the real position, since there are wide variations in the case of certain main heads which are of considerable importance. Thus the receipts from LAND REVENUE were less than was anticipated. The receipts from STAMPS were also a minus quantity. The receipts from ELECTRIC SCHEMES would have exceeded the budget estimate by about Rs. 2½ lakhs but for the fact that it was deemed proper, in view of the rapid development and intensive working of the Pykara system, to begin contribution to the depreciation and special reserve funds of the project from the revenues in the current year, the fifth year of operation, instead of postponing it to commence from the sixth year as originally intended. As a result of this the net receipts from electric schemes will fall somewhere below Rs. 3 lakhs below the budget estimate. On the other hand, it is anticipated that the EXCISE revenue will exceed the budget estimate by Rs. 15½ lakhs on account of increase of receipts from rentals for shops. Increases in revenue, though not on the same scale, are also found in

the case of other *heads such as* Forest (Rs. $3\frac{1}{2}$ lakhs), Registration (Rs. $2\frac{3}{4}$ lakhs) and Motor Vehicles (Rs. 6 lakhs).

Income-tax assignment.

" The net effect of all these variations would be a fall in the total revenue for the year of about Rs. 3 lakhs, but this will be converted into an increase of Rs. 21·24 lakhs by assignment of Income-tax which we may expect to receive from the Central Government. It is a matter for gratification that the distribution of income-tax to the Provinces under the Neimeyer award has commenced sooner than was until recently expected, and it is to be hoped that this year's revival of the prosperity of the Indian Railway systems will continue, in spite of the set back experienced in the past three months. The amount for which credit has been taken in the estimates on account of income-tax assignment is Rs. 24·25 lakhs in the current year and Rs. 20·55 lakhs in the ensuing year. We have since received advice that these amounts may have to be reduced by Rs. 3·75 lakhs and Rs. 1·35 lakhs respectively, but as our estimates had by then gone to Press the figures originally given stand. In view of the improvement in our finances which I have just explained, it is proposed to debit the expenditure on commutations this year to revenue. The effect of this change will be to reduce the revenue surplus for the year from Rs. 29·17 lakhs to Rs. 17·69 lakhs, and to release for other useful expenditure on revenue account something over a lakh of rupees per annum for the next ten years, which would otherwise have had to be provided from revenue for the repayment of the debit to capital.

Rural water-supply.

" First and foremost among the pressing problems in most districts in this Province is the provision of an adequate supply of pure drinking water for the people in the rural areas. In my last budget speech I explained the general principles on which the Government propose to tackle this problem. Our aim is to secure, by means of a comprehensive scheme spread over a number of years, that within a reasonable time every village in the Province will have the benefit of a pure water-supply, in the form of either a protected well with a pulley, if not with overhead tank and taps, or a bore-well with hand-pump attached, or a connection from an existing municipal water main for villages through or near which such a main might happen to pass. We consider that this scheme should be financed from Provincial funds without insisting on any contribution from the villages or from the District Boards. We have made a start in this direction from the provision of Rs. 1·50

lakhs in the current year's budget for rural water-supply by placing at the disposal of the Collectors of 18 districts adequate funds to enable them to provide protected wells in eight to ten villages in each district, and with instructions to select for the purpose villages which stand most urgently in need of a water-supply. Meanwhile the Director of Public Health is preparing a programme for the ensuing and subsequent years in the form of a priority list of villages. In order that the scheme may not be held up for want of funds the Government propose this year to establish an earmarked Fund like the Famine Relief Fund for the improvement of rural water-supply which will serve this one specific and great purpose. Contributions from revenue will be made to this fund from time to time in succeeding years as money becomes available, and it is proposed to start the fund with an initial contribution of Rs. 15 lakhs in the current financial year, for which a supplementary statement of expenditure will shortly be presented to the House. I hope the House will give its seal of approval to this great step by which the Government hope to ensure steady progress of the scheme independently of the budgetary exigencies of particular years. The voting of this sum of Rs. 15 lakhs out of the revenue account in the current year will reduce the revenue surplus for the year from Rs. 17·69 lakhs to Rs. 2·69 lakhs, which should be adequate to ensure a balanced account when the final accounts for the year come to be made up.

Fund for Improvement of Rural Water-Supply.

1937–1938. Capital and Debt Heads.

" I need not trouble the House with a detailed analysis of the figures under the Capital and Debt Heads. It will be observed that Capital expenditure is expected to fall short of the budget provision by Rs. 16·91 lakhs, which is due to the proposed transfer from capital to revenue of the expenditure on commutation of pensions to which reference has already been made. Other contributory factors are the lapse of the provision made for the construction of a Parliament House, large recoveries by the sale of Cauvery-Mettur Project machinery which are adjusted in reduction of expenditure, and somewhat slower progress than was anticipated on certain electricity schemes and civil works.

1938–1939, Budget Estimates—Revenue Account, Part I.

" We can now turn to the budget estimates for the new year. The figures for Part I of the Budget for 1938–1939, i.e., for the estimates of revenue and of expenditure on standing sanctions based on existing orders and commitments compare as follow with the Revised Estimates for 1937–1938 :—

	Revised Estimate, 1937–1938.	Budget Estimate, 1938–1939. Part I only.	Decrease.
	LAKHS.	LAKHS.	LAKHS.
	RS.	RS.	RS.
Revenue	16,13·04	16,08·89	4·15
Expenditure	16,10·35	15,80·51	29·84
Surplus	2·69	28·38	..

" The decrease in expenditure of Rs. 29·84 lakhs is mainly accounted for by the fact that the figure for the current year includes Rs. 15 lakhs contribution to the rural water-supply improvement fund, Rs. 11·48 lakhs for expenditure on commutation of pensions, and provision for the Part II schemes for the year. We do not propose to make a transfer from revenue to the fund for the improvement of rural water-supply next year unless the revised estimate for that year indicates that there would otherwise be an appreciable revenue surplus. We also propose to make provision for the expenditure on commutation of pensions next year under Capital, as we did in the original budget for the current year, in order to have an adequate amount available for Part II schemes. This decision also might be reversed later on and the expenditure written back to the revenue account, as is being done this year, should there be an improvement in our finances during the year.

Land Revenue policy.

" I feel that a detailed exposition of some of the major policies on the basis of which the Part I Estimates have been framed will be expected of me, and this is perhaps the appropriate place to give it. On the important subject of Land Revenue policy, which is

rendered most difficult not only by its own intrinsic nature but by reason of the limitations and difficulties of Provincial finance generally under the Government of India Act, I am not in a position to say much at present. The Government have under their anxious consideration the question whether they may formulate a new and workable policy to be pursued in respect of the Land Revenue system, and in that connexion the recommendations of the Land Revenue *Enquiry Committee form the most important starting point.* For the current fasli the Government have in a Press Communiqué, dated the 16th December 1937, announced the special land revenue concessions to be granted. It is estimated that the concessions thus announced will involve a remission of land revenue in the fasli amounting to Rs. 73·15 lakhs as against Rs. 56·55 lakhs in 1936–1937. The Budget for 1938–1939 has been framed on the assumption that concessions to the same extent will be repeated next fasli also.

New taxation.

" The estimates for next year do not take credit for additional revenue from any new major taxation measures. The Government are alive to the necessity for finding more revenue and undertaking the unpleasant task of expanding existing sources of revenue or imposing new taxation, and the problem *is being subjected to detailed examination along* several lines. But the discovery and detailed examination of new sources of revenue in a province like ours, whose capacity has been already tapped by no unskilful hands, is not a thing which can be done in a few months, and large measures are not yet ready for introduction. The revised scales of registration fees which have been ordered since 1938 bring the fees in this province into line with the scales prevailing in other provinces like Bengal and Bombay. This will bring in an additional revenue of four to five lakhs of rupees.

Economy measures.

" Every effort is being made to secure additional resources or to cut down expenditure within the existing system, by energetically pursuing the economies previously initiated. (Measures which were approved and taken into account in the budget for the current year were estimated to increase revenue by Rs. 7·57 lakhs and to reduce expenditure by Rs. 1·75 lakhs annually). Further measures also have been since brought into effect (have increased those figures to Rs. 14½ lakhs and Rs. 5½ lakhs per annum, respectively). The Budget for 1938–1939 thus benefits to the extent of Rs. 20 lakhs in all as a result of these efforts,

which anyone conversant with the difficulties of administrative organization and knowing its resilient opposition to economies would admit, is no small sum. I may mention a few of the economy measures which have recently been adopted.

Salary reduction.

" The new revised scales of pay applicable to new entrants and promotees in the Provincial and Subordinate Services have been brought into effect from 1st January 1938 and 1st February 1938, respectively. It is estimated that the new scales will give an ultimate annual saving, in the case of the Provincial Services of Rs. 12½ lakhs as compared with the 1933 scales and of Rs. 30½ lakhs as compared with the old scales, and in the case of the Subordinate Services of Rs. 3½ lakhs as compared with the 1933 scales and of Rs. 18 lakhs as compared with the old scales. As the Government decided to apply the new scales only to new entrants or promotees and not to the present incumbents of posts, the saving will of course be small in the beginning, but will increase at an accelerated rate year by year until the full annual saving of Rs. 16 lakhs as compared with the 1933 scales is realized. The actual reduction of expenditure on this account in 1938–39 has been estimated at about Rs. 41,000, for which credit has been taken in the estimates, but it might quite possibly be more.

Honorary Medical Officers.

" With a view to effect some saving in the cost of Medical administration, as well as to help the medical profession with opportunities for service and improvement, the Government sanctioned in December 1937 a scheme of reorganization of the Madras Medical Services and extension of the system of appointing honorary medical officers. Under this scheme, barring the posts of Surgeon-General, Superintendents of hospitals in the Madras City, District Medical Officers and Superintendents of District Headquarters hospitals, Chief Medical Officers in charge of hospitals with a bed strength of 30 and above, Resident Medical Officers, posts in the Bacteriological department and other such special places, all appointments in Government medical institutions will be thrown open as and when vacancies arise to honorary medical officers, as far as medical practitioners may be available suitable to take up such appointments. Seven posts of Civil Assistant Surgeons and three posts of Women Sub-Assistant Surgeons will be immediately filled up by honoraries.

There will be some saving on this account in the current year. In 1938–1939 the amount of saving is estimated at Rs. 4,000 for which credit has been taken in the budget. Ultimately it is hoped that there will be a recurring saving, if not of Rs. 10 lakhs per annum as estimated in the department, of a considerable sum. There will be further appreciable savings not only in regard to pay but on account of allowances and leave and pensionary charges. The departmental calculations as to savings are based on one honorary doctor taking the place of one full-timed officer. Experience may show that in many posts two or more honoraries will be required to replace the one paid man and this may make the savings rather less than estimated, but all the same the gain to the tax-payer will be considerable.

Conditional release of convicts.

" The Government have decided to put into practice a policy of conditional releases in favour of prisoners convicted of crimes other than those that may be deemed to be of a type indicating that such clemency might prove dangerous to the community. Besides being in furtherance of a generous and approved policy of reformation of criminals, this large measure of reduction in the jail population will result in reduced expenditure in jails. Credit has been taken in the budget estimate for 1938–1939 for a saving of half a lakh of rupees on this account.

Ootacamund exodus.

" A saving of public expenditure amounting to nearly half a lakh of rupees has been effected by the abolition of the annual summer move of the Government to Ootacamund.

Sale of Cloth Act.

" With regard to the revenue under the Sale of Cloth Act, there is reason to believe that an annual revenue of Rs. 1 lakh may not be very wide of the mark.

Education.

" The general policy in respect of elementary education as outlined in the Press Communiqué, dated the 26th June 1937, is in the main being carried out. The report of the Curriculum Committee appointed in accordance with that policy, which has just been received and is under the consideration of the Government, seems to make recommendations to some extent on the same lines as the reorganization of elementary education contemplated in what is known as the Wardha Scheme. But whether the proposals of the Wardha Scheme taken as a whole will reduce or increase Provincial expenditure

on education it is not possible as yet to say. The Government have the whole question under their consideration and meanwhile budget provision is being made in accordance with existing arrangements.

Broadcasting.

" The short wave transmitting station at Saidapet (Madras) is nearing completion and is expected to start functioning in two or three months' time; while the medium wave transmitter at Trichinopoly is expected to be ready towards the end of the year. The Government are arranging for the supply of radio receiver sets to a few important villages in each of the districts. Orders have been placed with the All-India Radio for 100 such sets. More than half of the municipalities in the Presidency have offered to purchase and maintain about 50 receiver sets for their respective towns. All the 150 sets are expected to be supplied during the course of the official year, 1938–1939, and budgetary provision has been made accordingly.

Ameliorative measures for Scheduled Classes.

" Lastly, I should like to mention that the budget for next year provides for a continued expansion of the Government's activities for the amelioration of the condition of the Harijans. As the House is aware, the ordinary Revenue department staffs or special staffs directly under the control of Collectors and under the supervision of the Commissioner of Labour are working in all districts to cater for the special needs of these people, such as the provision of educational facilities, including maintenance of hostels and boarding houses and grants towards payment of examination fees; drinking-water wells; pathways, burial grounds, and other such matters. Co-operative societies formed by members of these classes are given grants for clerical assistance, and from next year, members will be given also grants for payment of registration fees and fees for production of encumbrance certificates. They are freely given grants and loans for the acquisition of house-sites, although unfortunately a substantial part of the loans so granted has often to be written off as irrecoverable together with accrued interest. The amount spent on these special activities for the scheduled classes was Rs. 8·98 lakhs in 1936–1937, the revised estimate for the current year stands at Rs. 9·77 lakhs, while the budget provision for 1938–1939 is Rs. 11·24 lakhs, an increase by 2¼ lakhs over the expenditure in 1936–1937. These figures are exclusive of the cost of supervision by the

Commissioner of Labour, and also of the provision made for these classes along with others under the heads, Education, Industries and Fisheries.

Prohibition.

"The Prohibition Act has been in force in Salem district since October 1st, 1937. The enforcement is in the hands of the police who, with but slightly increased strength, have been working with most commendable energy and zeal under the District Superintendent of Police and the District Magistrate. A Prohibition Officer and a Special Development Officer are also assisting the Collector. The Excise staff formerly employed in the district has been abolished. I can say confidently that the working of the Act in Salem has so far been very satisfactory.

"It is calculated that the net cost of Prohibition for the last six months of the financial year 1937–1938, will amount to Rs. 13,19,000, made up of Rs. 13 lakhs loss of Excise revenue and Rs. 51,000 cost of additional police and special officers, offset by a saving of Rs. 32,000 on the Excise staff previously employed in the district. The cost for the year 1938–1939 is estimated at Rs. 26,22,000.

"All observers agree that Prohibition is welcomed by the mass of the people, specially the women, and that the families of the labouring classes in particular have benefited considerably by the diversion of the money which used to be spent on liquor to the provision of more and better food. I may be permitted to quote from the latest report of the Collector, Mr. A. F. W. Dixon, a passage wherein he summarizes the position as he has observed it on the spot :—

> 'Viewing generally the effect of Prohibition on the lives of the people, I am convinced, after three months' experience, that Prohibition is proving a great boon to the poorer classes in this district. Leading as they do a hand-to-mouth existence, earning at the best barely enough to maintain the minimum standard of life necessary for health and strength, they simply cannot afford the expensive luxury of drink which used to reduce the small earnings of the labouring classes to a miserable pittance, quite insufficient for the proper maintenance of a family. Drink brought misery into the homes of many thousands of the

poor classes in this district, misery in the shape of domestic unhappiness, insufficiency of food and crushing debt. Already in thousands of homes in this district conditions have changed to a remarkable extent. Domestic brawls have ceased, a sufficiency of food is available, and the grip of the money-lender has relaxed. This has happened within the short space of four months. If this Act continues to be enforced no less effectively than it is now, I anticipate a great and permanent improvement in the material well-being of the peasants and labourers of this district.'

" There is no doubt that prohibition has had an excellent start in Salem. The main problem now is to maintain and develop the forces of public opinion on the side of prohibition. This calls for the co-operation of all officials and non-officials in the district. Government have stressed the responsibility of their officers in the matter and have every reason to believe that the support of the general public will continue to assist and make even more effective the working of the Act.

" Coming to the question of extension of the Prohibition area, it is desirable that the new area should not be too widely separated from the present dry area, since the object of a later stage as soon as that becomes possible should be to link them both up into one large compact area with a minimum of external boundary across which smuggling might take place. Acting on these lines, the Government have decided to introduce prohibition into the two Districts of Chittoor and Cuddapah as from 1st October 1938, the detailed arrangements being generally similar to those adopted in the case of Salem district. The additional loss of revenue on this account may be put at about Rs. 8 lakhs in 1938–1939 and at Rs. 16 lakhs in future years.

Grazing fees.

" Another proposal of the Government also involves the relinquishment of a big slice of revenue for the benefit of the rural population. The Government propose to reduce by half the present rates of grazing fees in forests throughout the Presidency, with effect from the 1st April 1938. By this means a longstanding grievance will be met and a large section of the agricultural population benefited. The loss of revenue will be Rs. 3·07 lakhs per annum.

Schemes of new expenditure.

" Provision has been made for all protected water-supply and drainage schemes put forward by local bodies in the mufassal, as also for anti-malaria measures and measures for the control and eradication of plague; for the appointment of health officers in certain municipalities where they have not been appointed; for subsidies for opening new rural dispensaries and employment of midwives in some of the existing dispensaries; for the opening of cancer, treatment facilities in five headquarter hospitals; for the teaching of Hindustani in 125 secondary schools; for a grant for new buildings for the Pachayappa's College, the proposal to rehouse which in a new and suitable locality can no longer be justly opposed or delayed; for fruit culture and nurseries: for the expansion of the Veterinary department; for expenditure on establishments required to supervise agricultural credit institutions to enable agriculturists to take full advantage of the scaling down of debts under the Debt Relief enactment; for further ameliorative work for Harijans; for strengthening the supervision of the working of ryots' forests, and for the supply of bedding for the first time to under-trial prisoners in police lock-ups.

" A sum of Rs. 5 lakhs will be transferred from the Rural Water-supply Fund for work in this direction in 1938–1939. This amount may be increased by a further transfer later in the year if it is found possible to spend more within the year.

" For the further development of hand-spinning and hand-weaving, a provision of Rs. 2 lakhs has been made again which will be utilized on the same lines and for the same purposes as were adopted in the current year.

" The gross expenditure on the new schemes thus summarized amounts to nearly eighteen lakhs which, following the classification adopted by me in last year's budget speech, is distributed as follows :—

	Amount.	Percentage to total.
	LAKHS. RS.	PER CENT.
Primary functions of Government	·87	4·8
Development Services	16·58	92·2
Charges common to both the above	·53	3·0

"After allowing for the revenue which it is anticipated will accrue from the adoption of some of the new schemes, and of the extra portion of the cost of the Public Works establishment and tools and plant charges which will be transferred from the revenue account to capital, the revenue account for next year is expected to close with a small surplus of Rs. 12,500. **1938–1939 R venue Account—Surplus.**

"As regards capital expenditure, what is anticipated next year on account of electricity, irrigation, cinchona and building schemes already in progress comes to Rs. 83·41 lakhs, and a provision of Rs. 12·69 lakhs has to be made as already explained for payment of commuted value of pensions. New capital schemes have been provided for as detailed on pages 178–179 of the Budget Memorandum, for which Rs. 38·11 lakhs have been set aside. **1938–1939 Capital expenditure.**

"The Pykara hydro-electric scheme is now in the fifth year of operation. The whole of the Nilgiris and Coimbatore and parts of Malabar and Madura districts are served by it. Provision has been made for additional storage of water by the construction of the Mukurti reservoir which is nearing completion. The erection of additional generating plant and penstock pipes sanctioned in 1936 is in progress. A network of rural distribution lines for agricultural and other purposes has been laid in the Coimbatore district and similar distribution of power to rural areas in other districts is being undertaken. Regular supply of Pykara power to Madura was given in January 1938 and extension of work from Madura to Virudunagar, Rajapalayam and Koilpatti is in full swing. The Mettur hydro-electric scheme is now nearing completion, but the operation of the system commenced even from November 1937. A textile mill and an electro-chemical factory are under construction in the Mettur township area and they are expected to take supply during 1938. Salem, Trichinopoly and Tanjore districts which were first served by Pykara power have been transferred to the Mettur system. The other districts served by Mettur power are South Arcot, North Arcot, Chittoor and part of Chingleput. Work on the extension of transmission lines to Villupuram, Conjeeveram and Arkonam and to Dharmapuri and Krishnagiri is in progress. **Electricity.**

" We are also establishing big thermal electric stations in areas which are not at present served by hydro-electric schemes. One such thermal station is now under construction at Vizagapatam which is expected to be in operation in April 1938. It will serve the whole of the Vizagapatam district. It is possible, however, that part of this load may be transferred to another hydro-electric scheme in the Vizagapatam district which is at present under investigation. A similar thermal station is under construction at Bezwada which is intended to co-ordinate electric supply in the Kistna, West Godavari and East Godavari districts in conjunction with a hydro-electric scheme at Chettupet.

" The possibility of sinking deep bore wells in the Royala Seema for lifting water for irrigation by electric pumping is under investigation. If the experiment in certain places proves successful investigation will be made in other places and if they also prove successful small thermal stations can be established for pumping water for irrigation and drinking purposes. The importance of these experiments in Royala Seema cannot be overemphasized.

" The most important of the new schemes proposed for 1938–1939 is the Papanasam hydro-thermal electric scheme which will meet the requirements of the three (Madura, Ramnad and Tinnevelly) districts. This scheme will constitute the major hydro-electric project that will fill up and complete the scheme of electric generation and distribution in the province. Other important new schemes proposed for 1938–1939 are the extensions of Pykara power to Pakala and Tirupati, and the establishment of thermal stations at Cocanada and Palacole which will supplement the needs of East Godavari and West Godavari districts. Pykara power is now supplied to Palghat. The question of further extension of Pykara power to the West Coast has been investigated and 1940–1941 may probably witness the supply of power to the rest of Malabar.

Irrigation.

" I may now explain the position as regards the salient features under irrigation. Negotiations between the Governments of Madras, Mysore and Hyderabad as to the sharing of the waters of the Tungabhadra have not been easy but a decision is expected to be reached soon. Such delicate transactions cannot be profitably hustled. The Government is conducting an exhaustive and intensive programme of experiments at Siruguppa

in the Bellary district to determine the reaction of the typical soils, both heavy and light black cotton, and to determine the most suitable crops and their rotation.

" The other important scheme under consideration is the Bhavani project in the Coimbatore district. The Government have before them a modified scheme which appears to have certain advantages over those hitherto considered.

1938–1939. Loans for smaller peasantry.

" The grant of State loans is, in our country, an important item of service which the Government have to render to the people. It is of the nature of remunerative capital expenditure, and the total provision for this purpose made in next year's budget is Rs. 117·55 lakhs. Out of this sum, as much as Rs. 50 lakhs are marked for loans to agriculturists which is intended to utilize solely to enable the smaller ryots to take full advantage of the scaling down obtained by law under the new measure for the Agriculturists' Debt Relief. In former times when reduction of debt could be achieved only by voluntary conciliation, the credit provided by the State could not be properly or adequately utilized. It is hoped that under the different conditions created by compulsory scaling down the half crore provided for loans to peasants will be fully utilized.

" Another sum of Rs. 7·27 lakhs is provided for other loans to agriculturists, e.g., for the erection of better dwelling houses; Rs. 53·34 lakhs for loans to the Madras Corporation and other local bodies for their capital expenditure; and Rs. 6·77 lakhs for advances to industrial concerns and co-operative societies for the scheduled classes and others.

New loan.

" The Government have decided to float a loan of Rs. 175 lakhs in the course of next year which will be sufficient to meet all the requirements of the year and to leave a free cash balance at the end of the year of about Rs. 9·22 lakhs. At the risk of repetition and of stressing the obvious, I might explain, that no portion of this loan money is required or will be used for revenue (i.e., current) expenditure, since the revenue account by itself works to a surplus. The remunerative expenditure proposed to be incurred next year on capital works and loans to agriculturists; local bodies and others is about Rs. 222 lakhs which is much in excess of the loan of Rs. 175 lakhs which the Government contemplate

raising. The balance will be found from the free opening cash balance, recoveries on account of loans previously advanced by Government, and other non-revenue sources such as the net credit under deposit heads.

" A land revenue remission again this year of three-quarters of a crore, the initiation of an earmarked fund at the back of a planned policy of rural water-supply with a substantial start of fifteen lakhs of rupees, half a crore to be utilized in the coming twelve months for redemption of the debts of the small peasantry, a fifty per cent reduction of grazing fees and the extension of Prohibition to two more districts are, I believe, enough to commend this budget that I have the honour to present to the House.

" It will be seen that although in 1938–1939 the Government will be sacrificing a considerable amount of revenue as compared with 1936–1937, viz., Rs. 34 lakhs excise revenue, Rs. 18 lakhs land revenue and Rs. 3 lakhs forest revenue or Rs. 55 lakhs in all, the provision made in the Budget for 1938–1939 exceeds the expenditure in 1936–1937 by Rs. $5\frac{1}{4}$ lakhs under Education; by Rs. 5 lakhs under Medical relief, by Rs. 20 lakhs under Public Health and rural water-supply; by Rs. 4 lakhs under Agriculture, Veterinary, and Co-operative Credit, and by Rs. $4\frac{1}{4}$ lakhs under Industries. All this has been possible because we have had the firmness to oppose expenditure of certain types. These figures must stand for a measure of contribution towards the improvement of the conditions of life of the people. And this has been done while maintaining as stable an equilibrium as possible between Revenue and Expenditure as should satisfy the most exacting of financial critics. Our debt position is no less sound. The total of the Provincial debt including all deposit liabilities falls short by more than 6 crores of rupees of the value of remunerative assets held by the Provincial Government. I claim with confidence that the advance we have so far been able to make is built upon a foundation of sound policy together with financial rectitude. Thus only can we secure assurance for the future and hacking for further advance in the direction which we hope to pursue.

" With these observations, Sir, I commend to the acceptance of the House the Revised Estimates for 1937–1938 and the Budget Estimates for 1938–1939."

V.—STATEMENT *RE* TIME-LIMIT OF SPEECHES.

* MR. PRESIDENT:—" Hon. Members are aware that it is usual for a large number of Members to take part in the general discussion on the Budget. Though sub-rule (3) of Rule 125 gives me power to prescribe a time-limit for speeches, I do not propose to exercise it, as I have no doubt that it is not the intention of Hon. Members to make unduly long speeches and thereby prevent other Hon. Members from taking part in the discussion. If, however, I feel in the course of the discussion that a time-limit is necessary, I shall exercise my power under the sub-rule, quoted above. May I also suggest that, as far as possible, the reading of manuscript speeches should be avoided.

" It is understood that the Assembly will meet hereafter at 3 p.m. In order to avoid simultaneous sittings of the Assembly and the Council and the consequent inconvenience, I propose that the Council should hereafter ordinarily commence its sitting at 11 a.m. and conclude at 1 p.m.

" The House will now adjourn and meet again to-morrow at 11 a.m. for the transaction of Non-official business."

VI.—PAPER LAID ON THE TABLE OF THE HOUSE.

G.O. No. 110, *Development, dated* 10*th January* 1938, *confirming certain amendments to Rule XV, issued under the Madras Co-operative Societies Act,* 1932.

APPENDIX I.

[Vide answer to starred question No. 42 asked by Mr. J. A. Saldanha at the meeting of the Legislative Council held on the 1st March 1938, page 282 supra.]

Statement showing the capital expenditure on buildings, the various wards, staff employed, etc., in the Women and Children Hospital, at Mangalore.

1 Total capital expenditure on buildings of the hospital.	Rs. 1,38,908.	
2 Contributions of the people by subscriptions and endowments of wards or beds for meeting the expenditure.	Rs. 44,750.	
		Number of beds.
3 The various wards in the hospital for different classes of patients.	1 Surgical and Gynæcological ..	12
	2 Medical	12
	3 Septic and Tuberculosis	8
	4 *Maternity*	24
	5 Children's	8
	Total ..	64
4 Particulars of Medical staff	Superintendent ..	Captain K. K. Nambiyar, B.A., M.B.B.S.
	Woman Assistant Surgeon.	Mrs. K. Chokkalingam, L.M.S.
	Woman Sub-Assistant Surgeon.	Mrs. S. Thomas, L.M.P.
	Honorary Physician.	M.R.Ry. M. Shiva Rao Avargal, L.R.C.P. & S., (Edin.), L.M. (Dub.), L.F.P.S. (Glas.).
5 Particulars of Nursing staff	Paid nurses	3
	Paid midwives	2
	Pupil midwives	9
6 Average number of in-patients in each of the years 1935 and 1936 as compared with that in 1934.	1934	77·73
	1935	77·05
	1936	87·84

APPENDIX II.

[Vide answer to starred question No. 46, asked by Mr. P. Virabhadraswami at the meeting of the Legislative Council held on the 1st March 1938, page 284 supra.]

Statement of loans granted under the State Aid to Industries Act.

Serial number and name of persons aided under the Act and the Industry aided.	Amount of aid.	Date of grant.	Date of disbursement.	Amount of principal received.	Balance outstanding.	Remarks.
	RS. A. P.			RS. A. P.		
1 Messrs. Muppanna Somaraju and Veeraraju, Silk merchants Peddapuram, East Godavari district, for their silk weaving industry.	50,000 0 0	G.O. No. 1531, Development, dated 30th August 1924.	23rd December 1934.	50,000 0 0	..	The loan was utilized for the purpose for which it was granted.
2 The Carnatic Paper Mills, Ltd., Madras, for paper manufacture.	6,40,215 8 0	G.O. No. 175, Development, dated 2nd February 1925 and other Government Orders.	14th March 1925, etc.	4,00,000 0 0	..	The loan was utilized for the purpose for which it was granted. The balance was written off—vide G.O. No. 26[illegible], Development, dated 6th February 1930.
3 The Canara Rice and Saw Mills, Ltd., Coondapoor, for saw milling.	9,600 0 0	G.O. No. 312, Development, dated 2nd March 1925.	31st March 1925.	9,600 0 0	..	As the firm failed to utilize the amount for the purpose for which it was granted, the loan was recovered.
4 M.R.Ry. D. Rangaswamy Nayudu, The Andal Mills, Gudiyattam, for cotton ginning.	5,000 0 0	G.O. No. 425, Development, dated 23rd March 1925.	1st May 1925.	3,284 9 2	..	The balance of Rs. 1,715-6-10 was written off—vide G.O. No. 710 Development, dated 29th March 1937.
5 The Kallakurchi Co-operative Agricultural and Industrial Society, Limited, Kallakurchi, for groundnut decorticating.	18,000 0 0	G.O. No. 763, Development, dated 22nd May 1925.	8th December 1925.	18,000 0 0	..	The loan was utilized for the purpose for which it was granted.
6 M.R.Ry Muthyala Seenappa Ramanna, Match factory, Bellary, for match manufacture.	20,000 0 0	G.O. No. 1320, Development, dated 25th August 1927.	29th September 1927.	20,000 0 0	..	The factory worked for a short time and was damaged by fire. The loan was paid back.
7 The Zamindars of Belgaum, Parvatipur, for the manufacture of pyrotechnic matches.	11,000 0 0	G.O. P. No. 602, Development, dated 31st March 1928.	18th July 1928.	11,000 0 0	..	The loan was utilized for the purpose for which it was intended.
8 The Salem Dye Works Syndicate, Limited, Salem, for their dyeing factory.	10,000 0 0	G.O P. No 99, Development, dated 19th January 1928.	26th November 1928.	10,000 0 0	..	Do.
9 M.R.Ry. L. Nanjundaswami, Proprietor, Silk Reeling Concern, Rastipuram, Coimbatore district, for silk reeling industry.	750 0 0	G.O. No. 1569, Development, dated 16th August 1930.	12th December 1930.	..	..	As the borrower absconded the amount could not be recovered and was written off in G.O. No. 1497, Development, dated 30th October 1934.

Serial number and name of persons aided under the Act and the industry aided.	Amount of aid.	Date of grant.	Date of disbursements.	Amount of principal received.	Balance outstanding.	Remarks.
	RS. A. P.			RS. A. P.	RS. A. P.	
10 M.R.Ry. B. Abraham, Tile Works, Tanjore, for his tile industry.	4,250 0 0	G.O. No. 1758, Development, dated 18th September 1930.	22nd December 1930.	4,250 0 0	..	The loan was utilized for the purpose for which it was sanctioned.
11 M.R.Ry. C. M. Ramaswami Ayyar, Ram Ram Safety Match Works, Tholampalayam, Coimbatore district, for his match industry.	500 0 0	G.O. No. 1676, Development, dated 2nd September 1930.	14th May 1931.	290 9 6	..	The *borrower did not comply* with the conditions of the grant of the loan and the amount was recovered, the balance of *Rs. 209-6-6, being* written off—vide G.O. No. 857, Development, dated 27th May 1936.
12 Messrs. Boddu Paidanna Sons, Vizianagram, for their oil milling industry.	40,000 0 0	G.O. No. 1179, Development, dated 7th August 1931.	28th September 1931.	5,361 2 4	34,638 13 8	The loan was utilized for the purpose for which it was granted.
13 M.R.Ry. K. Subbarayudu, Toy-maker, Kondapalle, Kistna district, for his toy industry.	500 0 0	G.O. No. 2113, Development, dated 25th November 1930.	22nd July 1932.	500 0 0	..	Do.
14 The *Metal Industries, Ltd.*, Shoranur, for the manufacture of cutlery edge tools, etc.	*8,000* 0 0	*G.O. No. 1586, Development*, dated 30th October 1931.	*30th March 1933.*	1,941 4 0	0,058 12 0	Do.
15 M.R.Ry. A. C. Krishnaswami Pillai, Coir factory, Mutupet, Tanjore district, for coir industry.	500 0 0	G.O. No. 1096, Development, dated 8th September 1933.	8th April 1935.	155 8 0	344 8 0	Do.
16 Sree Ramakrishna Sugar Mills, *Kirlampudi*, East Godavari district, for their sugar industry.	50,000 0 0	G.O. No. 209, Develop-*ment, dated 12th February* 1936.	31st March 1936.	2,317 0 0	47,683 0 0	Do.
17 M.R.Ry. Rebala Hanumantha Rao, Nellore, for the manufacture of dry unit cells and batteries.	500 0 0	G.O. No. 863, Development, dated 27th May 1936.	22nd March 1937	500 0 0	..	As the borrower decided not to start the business at Nellore the *amount* advanced was paid back by him.
18 Messrs. K. V. Ratnam & Bros., Rajahmundry, for the manufacture of fountain pens.	1,500 0 0	G.O. No. 826, Develop-*ment, dated 6th April* 1937.	13th August *1937.*	..	1,500 0 0	Information as to the utilization of the loan which was very recently disbursed is awaited
19 M.R.Ry. K. Subbarayudu, Toy-maker, Kondapalle, for the manufacture of toys.	350 0 0	G.O. No. 2196, Development, dated 27th September 1937.	20th November 1937.	..	350 0 0	Do.
20 The Kollegal Silk Filatures, Ltd., Kollegal.	17,850 0 0 (subscription of shares.)	G.O. No. 2361, Development, dated 20th October 1937.	..	..	..	Amount not yet disbursed.
21 The Button Manufacturers' Co-operative Production and Sale Society, Limited, Tiruppanangadu, North Arcot district.	108 0 0 (subsidy.)	G.O. No. 2374, Development, dated 21st *October 1937.*	..	..	..	Do.

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APPENDIX III.

[Vide answer to starred question No. 47 asked by Mr. J. A. Saldanha at the meeting of the Legislative Council held on the 1st March 1938, page 285 supra.]

Statement showing the names of the Medical and Nursing staff of the Women and Children Hospital, Mangalore, the dates of their transfer, taking charge, etc.

(a) (i) & (ii) *Names of the medical nursing staff during the one year ending on 30th September 1937, the date of their transfer, and taking charge—*

	Date of transfer.	Date of taking charge.
Medical staff.		
Mrs. G. E. Wright, M.B.B.S., Woman Assistant Surgeon.	26th June 1937 ..	....
Mrs. K. Chokkalingam, L.M.S., Woman Assistant Surgeon.	....	26th June 1937.
Mrs. S. Thomas, Woman Sub-Assistant Surgeon.	....	....
Nursing staff.		
Mrs. R. Mathai, staff nurse ..	16th March 1937 ..	....
Mrs. L D'Sousa	9th May 1937 (resignation).	....
Miss L. Cœlho	10th June 1937 ..	....
Miss L. D'Rosario	....	5th December 1937.
Mrs. H. S. Gallyot	....	6th August 1937.
Miss E. Shantappa	....	24th August 1937.

(iii) & (iv) *Name of the member of the medical staff whose transfer was ordered but the order was subsequently cancelled and the reasons for such cancellation.*—The transfer of Mrs. S. Thomas, Woman Sub-Assistant Surgeon, was ordered by the Surgeon-General on 27th May 1937. The order was cancelled by him on 22nd June 1937 as a mahazar from the public of Mangalore protesting against the transfer was received and the District Medical Officer also recommended the continuance of the Woman Sub-Assistant Surgeon and certified that her work was satisfactory.

(b) *Complaint received against members of the medical staff and orders passed by the Surgeon-General thereon.*—A number of complaints were received against the honorary physician of the hospital and they are under the consideration of the Surgeon-General. A complaint was received against Mrs. Wright, Woman Assistant Surgeon, and this necessitated her transfer. With reference to a complaint received from the nursing staff of the hospital, the transfer of Mrs. Thomas, Woman Sub-Assistant Surgeon, was ordered; but the order was subsequently withdrawn for the reasons stated above.

C. H. MASTERMAN—29-1-38.

APPENDIX IV.

[Vide answer to unstarred question No. 24 asked by Mr. J. A. Saldanha at the meeting of the Legislative Council held on the 1st March 1938, page 287 supra.]

Statement showing the names, addresses and other particulars of patients admitted into the Women and Children Hospitals at Calicut and Mangalore from outside the respective districts.

Name.	Date of admission.	Date of discharge.	Disease.
Government Hospital for Women and Children, Calicut.			
1 Thirala	8th November 1936, 10 a.m.	25th November 1936, 6 p.m.	Labour, normal.
2 Peetty	23rd January 1937, 4-30 p.m.	26th January 1937, 6 p.m.	Tumour forehead.
3 Ithi Kutty ..	5th April 1937, 10-30 a.m.	24th April 1937, 6 p.m.	Neuro syphilis.
4 Sarada	11th May 1937, 9-45 a.m.	29th May 1937, 6 p.m.	Bronchitis.
5 Mrs. Devadasan ..	20th May 1937, 10-30 p.m.	23rd May 1937, 6 p.m.	Lacerated perinium.
Government Women and Children Hospital, Mangalore.			
1 Kosesa Fernandes..	7th December 1936.	13th December 1936.	N. Labour.
2 Lalitha	23rd December 1936.	29th January 1937.	Typhoid.
3 Rudramma ..	29th December 1936.	7th January 1937.	Inevitable abortion.
4 Seraphino	10th January 1937.	24th January 1937.	Pyrexia.
5 Amina Bee ..	23rd January 1937.	27th January 1937.	Malaria.
6 Machu Souza ..	9th February 1937.	15th February 1937.	Waiting labour.
7 Meliana	14th March 1937.	17th March 1937.	Anæmia.
8 Subbu	22nd April 1937.	29th April 1937.	Waiting labour.
9 Rosina Souza ..	24th April 1937.	6th May 1937 ..	Cataract.
10 Gangamma ..	16th May 1937 ..	12th August 1937.	Ch. Ulcerleg.
11 Madhavi Ammal ..	29th May 1937 ..	2nd July 1937 ..	Erosin cerirx and retroversion uterus.
12 Rama Bai	24th June 1937.	3rd July 1937 ..	N. Labour.
13 Maramma	4th July 1937 ..	7th July 1937 ..	Influenza.
14 Yamuna	25th July 1937 ..	6th August 1937.	Tuberculosis.
15 Nandini	27th July 1937 ..	8th September 1937.	Cystitis.
16 Kalyani	8th August 1937.	25th October 1937.	Suppurating glans groin.
17 Sonne	12th August 1937.	18th August 1937.	Tumour abdomen.
18 Janaky	14th August 1937.	24th August 1936.	Puerperal Sepsis.
19 Indramma	28th August 1937.	29th August 1937.	Anæmia of pregnancy.

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Name.	Date of admission.	Date of discharge.	Disease.
Government Women and Children Hospital, Mangalore—cont.			
20 Appi Bai	1st September 1937.	10th September 1937.	N. Labour.
21 Kalyani	3rd September 1937.	12th September 1937.	Bronchitis.
22 Kalyani	7th September 1937.	25th October 1937.	Condyloma.
23 Elize Pereira ..	20th October 1937.	21st October 1937.	Hysteria.
24 Ratna Bai	25th October 1937.	19th November 1937.	Difficult labour.
25 *Chirutha*	25th October 1937.	11th November 1937.	Influenza.
26 Kalyani	7th November 1937.	27th November 1937.	Bubogroin.
27 Mariamma.. ..	17th November 1937.	24th November 1937.	Waiting labour.
28 Kamala	29th November 1937.	8th December 1937.	N. Labour.

THE MADRAS LEGISLATIVE COUNCIL.

Wednesday, the 2nd March 1938.

The Council met in the Council Chamber, Fort St. George, at eleven of the clock, Mr. President (THE HON. DR. U. RAMA RAO) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Destruction of unsold copies of Legislative Council Proceedings and certain other Government publications.

* 50 *Q.*—MR. R. SRINIVASA AYYANGAR: Will the Hon. the Minister for Education and Legal Departments be pleased to state—

(*a*) whether unsold copies of the proceedings of the Madras Legislative Council from 1921 onwards and the History of Services of Gazetted and other officers have been destroyed;

(*b*) whether before ordering their destruction, public bodies and associations were given an opportunity to purchase them for a nominal price;

(*c*) whether any action has been or will be taken to supply them gratis to public bodies and associations that apply for them; and

(*d*) whether copies of the History of Services of Gazetted Officers corrected up to 1st July 1936 and 1937 are available for distribution?

THE HON. DR. P. SUBBARAYAN:—" (*a*) The surplus copies of Legislative Council Proceedings were sold as waste paper. As regards the History of Services of Gazetted Officers publications rendered obsolete by the issue of a revised and new edition are sold as waste paper after retaining a few copies for reference in each case. The History of Services of Gazetted Officers was dealt with accordingly.

" (*b*) The stock of these publications was advertised in the press catalogue and also in the Indian Law Reports and other periodical publications of Government. The price per part was also reduced to a nominal price of 2 annas to improve sales.

" (*c*) Applications from such bodies will be considered.

" (*d*) Copies of History of Services of Gazetted Officers corrected up to 1st July 1937 alone are now available for sale."

Statement showing municipal towns connected with Government Hydro-Electric Schemes.

* 51 *Q.*—MR. J. A. SALDANHA: Will the Hon. the Minister for Public Works be pleased—

(*a*) to place before the House a statement showing the several municipal towns in the Madras Presidency connected with the Government Hydro-Electric Schemes or likely to be connected with them, the

distances at which those towns are situated from such schemes, the distance between Mangalore and any of such schemes and to state—

(b) what plans and estimates were made for connecting Mangalore with any such scheme; and

(c) what difficulties have been found or are likely to be found in carrying out the connexion?

THE HON. MR. YAKUB HASAN :—" (a) A statement[a] showing the municipal towns connected to Government hydro-electric systems or likely to be connected up to them and the distances of the towns from the hydro-stations is placed on the table. The line from Pykara to Mangalore will be about 200 miles long.

" (b) & (c) The question of supplying Mangalore was examined with reference to the extension of Pykara supply to the West Coast and South Kanara. Apart from the initial capital cost of an extension therefrom to Mangalore, the important load centres along that line to Mangalore were fouud to be few and the load possibilities of the area not such as to justify the long line."

MR. J. A. SALDANHA :—" May I enquire whether the expenditure will be so great that the advantages of connecting Mangalore with Pykara will be outweighed by the disadvantages? "

THE HON. MR. YAKUB HASAN :—" In answer to clause (a) it is stated that the line from Pykara to Mangalore will be about 200 miles. While it has been possible to connect Madura to the Pykara system, a distance of 191 miles, it has not been possible for us at the present time to take it to Mangalore for the reason that much load is available all along Madura line whereas the load possibilities on Mangalore line are not such as to take up that long line at present. I hope it will be possible to connect Mangalore with Pykara also in two or three years."

UNSTARRED QUESTIONS

Strength of the menial staff employed in Government hospitals in South Kanara from outside the district.

25 Q.—MR. J. A. SALDANHA : Will the Hon. the Minister for Public Health be pleased to place before the House a statement showing the number of men employed in the menial staff in the Government hospitals in South Kanara from outside the district during the last one year, under whose orders they were so employed, on what dates, for how long and under what circumstances?

A.—(a) The information required is furnished in the appended statement.[b]

Establishment of Radio stations.

26 Q.—MR. J. A. SALDANHA : Will the Hon. the Minister for Public Works be pleased to state—

(a) whether there is any grant from the Government of India or any organized Radio Association or Company for radio stations being established in various centres in this Presidency;

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[a] Printed as Appendix I on page 339 infra.

[b] Printed as Appendix II on page 340 infra.

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(b) if so, how the grant has been distributed; and

(c) whether South Kanara shares any portion of the grant and if not, why?

A.—(a) The answer is in the negative.

(b) & (c) These questions do not arise.

Additional grants for South Kanara in 1938–39 for rural dispensaries.

27 Q.—MR. J. A. SALDANHA: Will the Hon. the Minister for Public Health be pleased to state what share South Kanara will have in the additional grants in 1938–39 for rural dispensaries?

A.—The South Kanara District Board will not get anything out of the provision made for payment of subsidies for new rural dispensaries in 1938–39 as its proposals for the opening of such dispensaries could not be approved by Government since its financial position did not warrant it embarking on any new schemes involving recurring expenditure.

X-Ray installation for Wenlock Hospital at Mangalore.

28 Q.—MR. J. A. SALDANHA: Will the Hon. the Minister for Public Health be pleased to state—

(a) whether an X-ray installation was sanctioned recently for the Wenlock Hospital at Mangalore;

(b) whether that sanction has been carried into effect; and

(c) if not, what the reason is for the delay?

A.—(a) The answer is in the affirmative.

(b) & (c) The X-ray apparatus has not yet been installed as the new X-ray block in which the apparatus should be installed has not yet been completed.

[*Note.*—**An asterisk (*) at the commencement of a speech indicates revision by the Member.**]

II.—MESSAGE FROM THE ASSEMBLY.

* MR. PRESIDENT:—" I have to announce to the House that the following message, dated the 2nd March 1938, has been received from the Hon. the Speaker of the Legislative Assembly:—

' In accordance with rule 94 of the Madras Assembly Rules, I transmit a copy of the Bill further to amend the Madras Motor Vehicles Taxation Act, 1931, for a certain purpose (L.A. Bill No. 3 of 1938) as passed by the Assembly on the 1st March 1938 and signed by me, for the concurrence of the Council.' "

Non-official Business.

III.—A BILL TO AMEND THE MADRAS CIVIL COURTS ACT III OF 1873.

* MR. J. A. SALDANHA :—" Mr. President, I beg leave of the House to introduce my Bill to amend the Madras Civil Courts Act III of 1873, for the purpose I shall presently explain to the House.

" Section 16 of the Madras Civil Courts Act lays down that the law applicable as to succession, inheritance, marriage, caste or any religious usage or institution will be in the case of Hindus, the Hindu Law and in the case of the Muhammadans, the Muhammadan Law. We, the Roman Catholics constitute 1½ millions of the population of this Presidency and our population all over the world is about 350 millions. Such a body has had a large volume of laws which have been promulgated from time to time from the earliest times. These laws were last codified in 1917 and here I have got a copy of it which has about 2,500 sections. It has been translated into several languages; but it has not been translated officially or under Papal imprimatur into English, though it has been expounded by commentaries upon it. Myself have had the honour of being joined by Rev. Father Macry, S.J., an eminent divine writing a commentary on certain parts of it in connexion with my Civil Ecclesiastical Law. A copy of it is in the Library of this Legislature. It is true that we have got marriage and divorce laws and also the succession law by a legislative enactment. But there are certain provisions of Canon Law, which are not covered by legislative enactment. For instance, the Madras Government has been persistently refusing to recognize parishes and bishoprics as moral and legal persons; but eventually the Government of India came to our rescue; but I am told they have yielded to us only half-heartedly. Then there is the question of religious endowments with regard to which there are several conflicting decisions of courts. There are also conflicting decisions about the power of the Bishop and of the assembly of the people. I need not waste the time of the House upon points which are not covered statutorily and on which there are conflicting decisions of the courts. We have a clearly laid down law on the subject and that is the Canon Law; and the object of the Bill is only to apply this law to Roman Catholics. Hon. Members may not be aware that I brought a Bill in 1924 in the old Legislative Council; but sanction to that measure was withheld on the ground that it was a central subject, when it was referred to the Governor-General. I have been emboldened to bring it now because we have got concurrent jurisdiction and I hope that the House will raise no objection to it. I submit that it is important, almost very necessary in the interests of our people that the Canon Law should be recognized. The ultimate object is also to bring the statutory law into harmony and unison with the laws governing the laws of marriage and divorce. I have given a full statement of the position in the statement of objects and reasons and hon. Members will have an opportunity of studying it when it is published. I admit

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that there is some misapprehension in the minds of certain people—they are only in a minority—that by this measure we are going to arm the clergy with a very powerful weapon. But I do not believe in that and I am of the opinion that it is better not to leave things indefinite but that there ought to be a clearly worded law applicable to this community. There is no use going to court to settle differences; the decisions of the courts on the points are conflicting. The recent Rayapuram church case is the one in point and one can well realize the huge costs involved in all these litigations. Therefore, in the interests of the masses of the people, I beg leave of the House to introduce this Bill and I hope hon. Members will give the Bill their attention after it is published and support me in my attempt to get it *passed into law.*"

* Mr. S. J. GONSALVES:—" Mr. President, I have great pleasure in seconding this motion which seeks to amplify section 16 of the Civil Courts Act. That section lays down that if a court has to decide questions regarding inheritance, succession marriage, religious usage or religious institutions, the decision should be, if the parties are Hindus, according to the Hindu Law. That section also lays down that the court should be guided by the Muhammadan Law if the parties are Muhammadans. Mr. President, while a specific provision has been made in respect of two communities, no such provision has been made for other communities. The other people have to fall back upon clause (c) of that section. If they want the court to give a decision on those matters, they have to prove the custom having the force of law.

" This House, consisting as it does, of a number of lawyers, can 11-15 a.m.
very well know how difficult it is to prove, in a court, a custom having the force of law. Proof of such a custom requires knowledge; it requires talent and it requires resources. We know the Rayapuram church case which came before the Madras High Court. In that case, the parties were enlightened, were resourceful, had money and they therefore succeeded in proving the custom and the High Court held that the law regulating the Rayapuram church was the law laid down in Canon Law. That has been the latest decision of the High Court. Many Members of the House may be aware how such attempts had been made before other courts, how much money was spent, and how a good deal of good money was simply wasted. The Catholics have got a clearly codified law; the codified law of the Catholics is more certain and more definite than the Hindu Law or the Muhammadan Law. There is no uncertainty about it at all. That law was codified and promulgated in the year 1917. My hon. friend, Mr. Saldanha has just handed to the Hon. the Premier the text of the Canon Law. I do not think it is necessary for me now to go through the text of that law. That law exists in all the countries of the universe; that law has been translated in all the languages of the universe; there is English translation, French translation, Tamil translation; there are as many translations as there are languages. When such a clearly codified law exists, I do not see why the benefit of that law should not be given to

the Catholics. There is uncertainty to-day, owing to the varying decisions of the courts. As I said, if the question was raised in the District Court, there is one decision. If the same question was raised in a District Munsif's Court in a remote village in the Presidency, there was a different decision. There are conflicting decisions on the principal matters concerning the community; it leads to uncertainty of the status of the community. If this Bill is passed, if there is this legal enactment, and if the Canon Law is made applicable to Catholics, there would be greater certainty and the Roman Catholics would be placed in a position of parity with Hindus and Muhammadans. It seems to me that no convincing reason can be advanced why the provisions of Canon Law should not be made applicable to the Catholics. With these words, I have great pleasure in seconding the motion."

* THE HON. MR. K. RAMAN MENON :—" Sir, on behalf of the Government I rise to oppose this motion for leave to introduce the Bill. It may appear to be rather unconventional to oppose the motion at this stage. The implications of this Bill will, it appears to the Government, have many repurcussions which may not be conducive to proper administration. Therefore the Government have decided that they should oppose the motion for leave being granted to introduce the Bill. An attempt is being made at this late stage to trench upon the various matters referred to in Section 16 of the Madras Civil Courts Act of 1873, with reference to rights to be allocated between parties. There are very many enactments which govern the marriage, succession, inheritance and other matters concerning this particular community, namely, the Indian Christian community. If this Bill is taken up for consideration and supposing it is passed into law, it will affect all legislation passed so far and all matters regarding succession, inheritance, marriage, etc., will hereafter be governed by Canon Law. Virtually the purport of this Bill will be that this Legislature will abdicate all its powers and those powers will be vested in His Holiness the Pope. I suppose that is a right which this Legislature would never think of abdicating. If Canon Law is to apply, so far as this community is concerned, to matters of succession, inheritance, marriage, etc., it will virtually repeal all the various enactments, such as the Indian Succession Act of 1925, the Native Converts' Marriage Dissolution Act, 1866, etc. The Civil Courts Act provides for a system by which the two communities, the Muhammadans and Hindus, might be governed in matters of succession, inheritance, marriage, religious usage and customs. . ."

MR. J. A. SALDANHA :—" On a matter of personal explanation, Sir. I think it is very clear from my Bill that the Marriage and Succession Acts, applicable to Christians will in no way be affected by it. As I have stated, there are other matters besides succession, marriage, etc., which are not covered by the statute law."

* THE HON. MR. K. RAMAN MENON :—" There is no occasion for me to stand corrected by what my hon. Friend has just mentioned. He himself has given notice of a Bill to be introduced in the Council,

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which he calls the Madras Christian Marriage Bill. He has given his preference to the Bill before the House. If that Bill were to come before the House, it will be quite clear that what is contemplated is to introduce the thin end of the wedge and to upset the whole administration of law that is at present governing the Christians of India. What is attempted by this small Bill is to take away the powers of the Legislature over matters of succession, inheritance, marriage, etc. As I have already submitted, with regard to succession, inheritance, marriage and other matters which concern this community, there are various legislative enactments. This Bill says that the Catholic community will be entitled hereafter to be governed by Canon Law. It will be more appropriate if the hon. Member would bring forward a suitable Bill relating to religious usage, religious institutions, etc., of the community. That will be quite in keeping with the various forms of enactments we have been passing. The attitude of the Government is dictated by the fact that, if once this Bill is allowed to be published, there is just the possibility of the parties ranging themselves on both sides and a lot of unpleasantness being created. Already the Government have received representations that the attempt that is made by the introduction of this Bill is that religious usages, etc., should be governed by the orders of the Pope. It cannot be disputed that ordinarily the authority for legislating on various matters in any country, is the Legislature; that has been the accepted principle so far as this Presidency is concerned. If this Bill is passed, we will be handing over the power to legislate, with regard to Roman Catholics, to His Holiness the Pope, whose canons, as they are called, are being added to and altered by himself without any reference to the opinions of any one of the Legislative Assemblies or Councils. I request the hon. Member to frame a proper Bill basing it upon Canon Law if necessary and to seek the permission of this Council for its introduction. Instead of introducing a Bill of this sort, that, I submit will be a more proper method."

Dr. Sir K. V. REDDI NAYUDU:—" Sir, may I ask for some information from the Hon. the Prime Minister or the Leader of the House, regarding the procedure in such matters? I know that long speeches should not be made by the mover and seconder of such motions. I have known of several cases in which the convention that the leave for the introduction of a Bill is not opposed, has been established. Objection can be taken to the first reading of the Bill, when the Bill is introduced actually. To-day the hon. Member is not introducing the Bill; he is asking for leave to introduce it. In spite of the rule which contemplates opposition even at the introduction stage, there has been the convention that Bills should not be opposed at the introduction stage. I would like to know from the Hon. Minister whether such a convention will be followed or not."

* The Hon. Mr. C. RAJAGOPALACHARIAR:—" Sir, it is quite true that, as the hon. Member who last spoke put it, it is not usual to oppose motions for leave of the nature we are now dealing with and 11-30 a.m.

[Mr. C. Rajagopalachariar] [2nd March 1938

Government would not attempt to break the convention that has been referred to except for substantial reasons. The proposal is to adopt the Roman Catholic Canon Law as the personal law of the Roman Catholic community in this country and displace the ordinary statutory law by which they have hitherto been governed and to make it unnecessary to prove usage but merely to augment the existing Canon Law in regard to any issue that may arise in courts. That would be the legal effect of the present proposal if it is made into law. It is well known that usage is recognized as law in regard to personal law matters but the present proposal is not that. The present proposal goes beyond that. The present proposal is that whereas even now usage is admissible and whereas it is difficult to prove usage with certainty, it would be more convenient to adopt the Canon Law as codified by the canonical authority of the Roman Catholic community. It is really a codified law easy of understanding and easy of explanation and therefore it would be more convenient if the Roman Catholic community in Madras should adopt the Canon Law instead of undergoing the ordinary procedure of proving the usage. That is the legal position. I am glad to see that the hon. the Mover and the seconder of the motion accept the statement I make. I shall proceed to explain why we are opposing the motion even at this stage. It is a very serious question that is before the House, viz., whether we, if we allow this Bill to be canvassed and circulated and discussed in this country, might not be creating expectations on the one hand and disputes on the other especially in a matter of this kind where communal feeling and communal organizations will begin to move in a dynamic way; not only in Madras but throughout the whole of India the Roman Catholic community will be organized in order to support or oppose such a thing; and not only in India but considering the Roman Catholic communities' peculiar position it will become an all-world affair and the difficulties that will be created on the one hand by disputes as between the various members of that community, and as between themselves and other communities will then become somewhat too serious. It is with a view to prevent the growth of disputes and acerbity of feeling that it was decided that we should oppose the Bill at this stage and leave it to any member to lay down any other policy in regard to this matter. The person interested in this Bill can very well see what the public opinion is with regard to this Bill. Now this Bill is sought to be introduced in this Chamber and we have to oppose it. If it had been introduced in the Assembly, there would have been a surer way of finding public opinion there and we could not have laid ourselves in opposition as we would have had to dispose of the large amount of opinion expressed in that House. The question now is whether this is a sufficient cause for taking the unconventional step of opposing the motion for the introduction of his Bill when leave is asked for. I submit I have good reason which prompts the Government to oppose it at this stage. If we do not oppose it now, we fear that we will have to face much greater opposition later on. Because we feel that opposition is necessary at this stage or at a later stage, we oppose it and not because we find opposition to be easy or difficult. It is because of

the larger public interest involved in this matter that we are opposing this motion. We have got papers enough on record in connexion with this proposal. It is an old proposal. It is not a new one. That record will show that some interests of the Roman Catholic community do not feel quite happy in regard to a measure of this sort. I shall not go into discussion on that point. I mention it to show that there are some persons who belong to the Roman Catholic community and who have expressed feelings with regard to this matter that they are not quite happy over it and that the Government should not give sanction to Mr. Saldanha's proposal. It is merely as an indication to show that there are differences of opinion in this matter that I have referred to it. It is only for these reasons that we have to examine the motion with reference to the general principle involved in giving leave to introduce it. The objection is this; the parallel of Hindu Law and Muhammadan Law is not correct. The law of India will not permit the Muhammadan Law for instance to be altered by any Muhammadan authority outside India. The usage of Muhammadan Law as they stand are accepted as the personal law of the Muhammadans; whereas in the case of Roman Catholic Canon Law, the ecclesiastical authority or any other official can frame a new law. That is the main and essential difference. We do not allow any ecclesiastical or secular authority outside India to change the personal law with regard to Muhammadans or Hindus. It would be an abdication of our authority to allow people belonging to the Roman Catholic community outside India to alter a rule relating to that community. We do not allow such interference with regard to the Hindu Law or Muhammadan Law. No authority outside the Legislature, either ecclesiastical or secular has the power to change the personal law. They have the authorities and facilities to interpret; they have authorities to regulate the matter before the Legislature or Courts. But as law, it is not admitted that the law should be changed in the case of Canon Law. It is not merely a body of usages that have settled down. It is a body of usages which are subject to the command of an external ecclesiastical authority. Therefore the position is wholly different. That is why the old legislative authority in India which was not democratic but which was purely a Christian bureaucracy, while accepting the Hindu or the Mussalman Law did not in terms accept the Roman Catholic Canon Law. They enacted certain measures which were found necessary in accordance with the established usages. That is the only procedure that can be pursued from time to time, if necessary. We cannot *en bloc* accept the proposal made in the Bill and expunge section 16 of the Civil Procedure Code, by which in regard to all matters with which the personal law is concerned the Canon Law shall govern the Roman Catholics. Let no one imagine that this objection is based on an unwillingness to accept the personal law or customs or usages of any member. The Government are committed to the principle of usages being accepted. But here it is not a body of usages which have settled down but it is a body of law which may be altered from time to time by the ecclesiastical

authority of the Roman Catholic community. The reason why the Government are unwilling to accept the proposal even for the purpose of putting it before the country for eliciting their opinion is somewhat fundamental, viz., that constitutionally and juristically, the Government do not admit that such a legislation as proposed in the Bill is possible.

"Another consideration will also have to be taken into account. It is a very sad experience that while religions do not matter, while ideas of religion do not make people really hate one another or isolate people from one another, it is the personal law that brings them closer together. We are aware that in India many Mussalmans follow the personal law of the country to which they belong and we are living with them as brothers. For instance the personal law of the Malabar community governs in many peculiar matters the Muslims of Malabar. The language of the law is not altered, the law is not altered. It is the same for one and all of the people whose religions may be different. It is the experience of many people that religion is a personal affair and that it does not divide people. It is a sacred feeling of one's own conscience, but the manners, usages and customs and personal laws differ from one another. Therefore it is a matter of public policy that we should not enlarge the ground of differentiation between one group and another. It is well known in many parts of our province that the Roman Catholic community follow exactly the customs of the rest of the community of those parts, whereas if by legislation we make the Canon Law govern those people, those people who have been adhering all along to Hindu traditions before they were converted to Roman Catholicism will have to abide by a new Canon Law. These are very grave considerations which have to be taken into account. I do not think I need go further than this. I have explained sufficiently not only the principles underlying the motion but also the necessity as to why we should oppose this motion. It appears to me that if matters come to worse it would be easy for anybody to catch it and it will be followed by most people. People will say 'Here is a Roman Catholic who has passed this measure, we must all unite; there is some red rag about it. We must oppose it.' It may be a very grave picture that I am painting, but it is not unreal. If the Bill is printed and published, all these things will happen. Therefore I would tell the hon. Member who spoke last and who felt somewhat uneasy in our opposing the measure at this stage that there are precedents for Bills being opposed at the introduction stage itself. We have given reasons for this step. I submit in this case also there are sufficient reasons. I hope that more thought will be paid to this matter before leave is asked for. Although we have opposed this motion it is still open to the hon. the Mover and the seconder of the motion to take much more time and see whether there is not sufficient reason behind our opposition; I would ask the hon. the Mover not to press this motion for the introduction of this Bill. But if the motion is pressed, I submit that we have to oppose it."

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SIR ALLADI KRISHNASWAMI AYYAR (ADVOCATE-GENERAL) :—" Mr. President, in opposing the motion before the House, I should like to invite the attention of the House to a few salient points. The main principle underlying the opposition to this motion has already been anticipated by the Hon. the Prime Minister and the Hon. the Minister for Courts and Prisons. The question at issue is whether this Legislature is going to invest an external authority with the right to regulate the succession from time to time of any section of the people of this country. It would of course be open to any member of this House to come forward with a detailed Bill to the effect that succession shall be regulated in such and such manner with regard to a particular community. Whether it is in the larger interests of India that each community should have its own rules of succession is another matter. But at the same time I must point out that no constitutional principles would be involved if a member or members of the community come forward with such a measure before this House.

" The expression ' Canon Law ' itself is difficult to be understood by the ordinary layman. As most lawyers are aware, the Canon Law of the Church itself has its roots in the Roman Law. When the Church became an organized institution in Europe, the Ecclesiastical Europe borrowed some of the rules of the Civil Law of Rome and made them part of the Canon Law. From time to time when the Papal head began to claim supreme authority in the matter of laying down rules and regulations, he said the only ultimate authority in regard to the expounding and passing of this Canon Law is the Pope and though he might be guided by a particular hierarchy, though he might be guided by the custom and usages obtaining in the Christian church, yet the ultimate sanction for the Canon Law is the Papal will. That I understand is the main principle of the Canon Law. I do not mean to suggest for a moment that the Pope will give the go-bye to the usages obtaining in any particular Christian community, but it cannot be gainsaid that the ultimate sanction for the Canon Law is the will of the Pope. 11-45 a.m.

" Now, the point before the House is, are you going to legislate in this manner? We do not know what exactly this particular rule of succession means. We do not know whether this particular rule of succession is liable to be changed from time to time. We cannot proceed on the footing that this Canon Law as expounded and promulgated in a particular year is going to be constant. It may be changed at any time by the Roman Catholic Church headed by the Pope. Now, in these circumstances, is this legislature really going to abdicate its function and say that the Canon Law obtaining on a particular date shall be the law to govern the community here?

" Now, there is another point. Are we to go further than any nation which is governed by Christian principles at the present day? In England to-day, the Catholics are not governed by the Canon Law; in Germany the Catholics are not governed by the Canon Law; under

the French Civil Code, the Catholics in France, in regard to their succession, are not governed by the Canon Law as such. I do not mean to suggest for a moment there are not similarities between the law as it obtains in France, between the law as it obtains in Germany or as it obtains even in England, and the original Canon Law. But the State it is that must regulate succession in regard to this matter.

"If you just look at the British Indian history, as was pointed out by the Prime Minister, it was a Christian power that came into this country and they regarded the Hindus and the Mussalmans as people governed by their own personal laws. But, so far as the Christian Law was concerned, there were Catholics, Protestants, Armenians and there were other people also; and in those circumstances, it was felt easy, plausible and practicable to have a uniform system of law for the entire Christian community; and then the Succession Act was passed. The Succession Act has been in vogue for over 70 years and is being worked. Titles to property are founded upon the Succession Act and at any rate, no difficulty has been felt so far as the Succession Act is concerned. The law under the Succession Act is much more certain than that under the Hindu Law or even under the Muhammadan Law. If, for example, it is felt that the Succession Act requires change, it will be open to any member of this Legislature or any other Legislature to come forward with appropriate changes in the Succession Act. By all means the changes may be modelled upon Canon Law, upon some other law, upon the European Law or upon the English Law, and then this Legislature will know what it is legislating for and that it has given its approval to something it understands. We cannot set up an *imperium in imperio*. Either this Legislature will have to take up the responsibility of regulating succession or it should say that it will not take it up. If it takes up that responsibility, it must be satisfied that the proposed law is in consonance with the larger interests of the Christian community, and with the larger interests of India as a whole. It may have regard to their usages, and to their customs, but the ultimate sanction must be found in the legislature when the imprimateur of the legislature is sought for by any member of this House.

"So far as this Canon Law is concerned, this is what occurs in the *Encyclopedia of the Laws of England*:

'By members of the Roman Catholic Church of the present day the mediæval canon law is still regarded as law in so far as it has not been changed by any competent ecclesiastical authority; but very considerable changes were introduced by the Council of Trent, and during the last three centuries the Popes have legislated from time to time about many matters. The three statute-books issued by Gregory IX, Boniface VIII, and John XXII, are still statute-books, but they are old statute-books, and the law that is contained in them has been definitely and expressly altered at numerous points. The decisions and practice of the various tribunals and "congregations" at Rome would also have to be considered by any one desirous of knowing the existing law about any particular matter. How far this system of law can be actively enforced in any given country is a different question, which in some cases is answered at least in part by a "concordat" between the See of Rome and the civil power'

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"So, Sir, that is what exactly is meant by Canon Law and it gives an idea of what Canon Law is.

"Then, again, Sir, I am unable to understand the exact scope of the present legislation. If it is not to touch succession, if it is not to touch inheritance and if it is not to touch marriage, then in the case of every community customs having the force of law will have to be considered. It is not suggested, for example, that in any matter concerning the religious usages of the Catholics, there is any difficulty felt in enforcing their rights. Very often, applications have come under section 92 of the Civil Procedure Code sponsored by the ecclesiastical dignitaries for the purpose of the setting right of institutions when difficulties have arisen in church affairs; and the jurisdiction of the Advocate-General and of the courts has been sought by ecclesiastical dignitaries to set matters right in regard to the affairs of the church, when there were disputes between one section and another section.

"Again, if it is not to affect succession, inheritance and marriage, we will be merely indulging in some kind of sport here in this House. Because, so far as succession is concerned, there is the Succession Act; so far as marriage is concerned, it is governed by the Christian Marriage Act and so far as divorce is concerned, it is again governed by the Christian Marriage Act. It is much better that when a particular legislation is sought to be modified in this manner or in that manner, the sanction of the House is sought for that matter, rather than give a *carte blanche* to what is called Canon Law. Supposing without knowing what it is about, we are asked to say that the Hindu Smritis shall govern in all matters. If it is a matter of law, it is law as administered and expounded by British-Indian courts. No Pandit's authority as such will be recognized in a matter of Hindu Law; no Maulvi's authority as such—though great respect may be paid to any exposition of law books—will be recognized by the courts of this land. So, the simple and direct question is, 'Is this House going to abdicate its function and say that some law which we are unable to understand, that some law which may be liable to be changed by an external authority, that some law in regard to which there is no finality and some law which may be expounded in one way by one court and in another way by another court, is to govern the relationship of the communities in this land? That is the question before the House.

"Now, so far as the Canon Law of Europe is concerned, referring to England where there was a very large body of Catholics before the time of Henry—and still there is a large body of Catholics—the Canon Law of Europe does not and never did, as a body of law, form part of the law of England. Therefore, there is no special law with regard to the Catholics and the Protestants.

"Sir, I am not to be taken as speaking for the Government. I very much wish that there were a single uniform body of laws for every

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citizen of this country. The Succession Act was passed for political, religious and other exigencies which have come into vogue; it has been in force for nearly a century. We have different laws for different people. But I wish the trend of nationalism in this country will ultimately lead to a single law of succession and of property for all people. This is merely my own opinion and it has nothing to do with the Government; it is not the Government's point of view. But I am stating it as a lawyer that it is much better that there is a single territorial law for this land in consonance with civilized and up-to-date ideas rather than different laws for different communities in this country and in accordance with the growing consciousness of the country. That is a different matter altogether.

"On this fundamental ground, I would oppose this motion for leave to introduce the Bill into this House, apart from the merits of the particular measure. I think this House will have to understand the Bill and lessons must be given to all Members in regard to Canon Law before we are able to give our adhesion to what the Canon Law is and what should be the relation between Canon Law and Civil Law.

"The second point is, how for the Canon Law is followed in Europe at the present day and the third is, what is the difference between the Roman Catholic communities in the other parts of the world and our country and what shall be the relation between the Pope and the State and so on. All these questions each Member of the House will have to address himself before leave is given for the introduction of such a measure as this."

DR. SIR K. V. REDDI NAYUDU :—" Mr. President, Sir, I wish to raise a point of order. The hon. the Advocate-General started by saying that he was opposing the Bill and ended by saying that he was opposing the introduction of this Bill and he has made an elaborate speech, very learned indeed and we are certainly better informed now. But, Sir, I contend that the hon. Member has only got a right to speak in this House and not to vote, which means that he has no right either to support or to oppose the Bill, but only to speak . . "

* MR. PRESIDENT :—" No, no, I do not agree with the hon. Member. The hon. the Advocate-General has got every right to speak in opposition to the Bill."

DIWAN BAHADUR SIR ALLADI KRISHNASWAMI AYYAR :—" On a matter of personal explanation, Sir. A speech which is not supported by ideas is not worth anything and I think to concede the power of speech to a person without giving expression to ideas is absurd."

DR. SIR K. V. REDDI NAYUDU :—" I wish to raise another point of order. Sir, Under rule 72 (1), 'If a motion for leave to introduce a Bill is opposed, the President, after permitting, if he thinks fit, a brief explanatory statement from the member who moves and from a Member who opposes the motion, may, without further debate put the question thereon '."

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* Mr. PRESIDENT :—" The wording in the rule is 'may' and so I have every right to use my discretion."

* Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur :—" Sir, I have considerable sympathy with the views expressed by the Hon. the Prime Minister that in the interests of peace and harmony the Government have come forward to oppose this Bill and I am thankful to the hon. the Advocate-General for his very lucid statement on the subject. Apart from this I must say that none of the Members on this side of the House can come to any decision as they have not seen the Bill. So I would suggest that it would be better in future if Government do not oppose the Bill at the very first stage and place the Members in a very difficult situation. Mr. Saldanha and the Members of the Government and the Advocate-General have, no doubt, seen the Bill. But as we have no knowledge of the scope of this Bill, how are we to vote for it? That is the reason why there has been a convention in this House that at the very first stage no opposition is made. I would therefore request the Hon. the Prime Minister to see that in future there is no such opposition, otherwise it would place the Members of the Opposition in a difficult situation."

The motion was put and lost.

The Hon. Mr. C. RAJAGOPALACHARIAR :—" Mr. President, 12
with due deference to what fell from the Leader of the Opposition, I noon
have an explanation to offer. The complaint was that Members had not the Bill before them and so it would be difficult to express an opinion and, therefore, the Government should not oppose the motion for leave to introduce the Bill. I submit that it is not a correct position to say that because it is difficult to vote upon it, therefore, there ought to be no opposition. I wish to submit that that is the reason why the mover of the Bill is allowed to explain the object of the Bill and the Members who oppose it—it does not matter if it is the Government or otherwise—are also given an opportunity to explain the position. The reason for the opposition in this particular case, the exact legal position, has been fully explained by the Advocate-General. The House is bound, I submit, either to give leave or not. I submit it is difficult to make out a law that leave should always be given because it would be difficult to decide whether leave is to be given or not."

IV.—RESOLUTION *RE* SEPARATION OF SUBORDINATE CRIMINAL JUDICIARY FROM THE EXECUTIVE.

* Mr. S. K. AHMED MEERAN :—Mr. President, I beg to move the resolution standing in my name and that is :—

> '*This Council recommends to the Government to take early steps to separate the subordinate Criminal Judiciary from the Executive.*'

" Sir, I need not tell you that this question of the separation of the Judiciary from the Executive is an age-long demand. It is as old as the Congress itself. The Congress itself in its early stages

used to pass, beginning from the year 1886, definite resolutions demanding this reform and it was repeated year after year. It was given up in later years, not because it lost faith in that particular demand nor because it was an exploded doctrine, but because it was concentrating itself on very vital and major issues knowing fully well and being fully confident that in the wake of the national Government for which it was fighting strenuously, without going into details, this reform . . ."

*MR. PRESIDENT:—"Order, order. The hon. Member will speak through the microphone so as to enable other hon. Members to have the benefit of his speech."

MR. S. K. AHMED MEERAN:—"Mr. President, I was saying that the Congress was passing resolutions pressing for this reform year after year and that they had not abandoned the principle of the reform but that they were concentrating upon major issues—in fact even other important political organizations of this country have been demanding this reform. It was a life-long grievance against the bureaucratic British administration of this country. The Congress thought that in the wake of the national Government they were fighting for, would come this reform. Sir, it is an irony of fate that it has fallen to me, as a Member of the Opposition, when the Congress is in office to move this resolution and perhaps make a long speech on the subject. I know that the Congress was not passing this resolution in recent years. But that was not because it had lost faith in that particular doctrine nor because it thought it was an exploded doctrine as recently trotted out, but because the Congress was concentrating upon very vital and major issues knowing fully well that this reform would come in the wake of the national Government as soon as it was established. We have now got Provincial Autonomy and so everybody thought that the Congress being in office with such overwhelming majority would take early steps to make this long-felt reform and satisfy an age-long demand. But it has fallen to my lot to move this resolution and I do not know what the attitude of the Government on this matter is.

"What is the system we have got now? We have in the Subordinate Criminal Judiciary, first-class, second-class and third-class magistrates and above them there is the District Magistrate under whose immediate control and supervision are these magistrates. Who is that District Magistrate? He is the chief executive officer of the district representing the Provincial Government. He is the head of the Subordinate Criminal Judiciary. He is also the head of the Police, that is to say, of the prosecution. Here we have a combination which we could not find anywhere else in the civilized countries of the world. The District Magistrate is both the prosecutor as well as the Judge. In dealing with this resolution one ought to take into account the fact that the District Magistrate combines in himself the role, an unenviable role, of being both the prosecutor as well as the Judge. It ought also to be remembered that the subordinate

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magistrates naturally look to him for their prospects, promotion and for their record. Unless he is to be a 'marked man' as he is called, he has always to dance, if I may use the term, to the tune and earn the goodwill of the Police also because he (the District Magistrate) represents the Police also. So what happens is that he (the magistrate) loses his independence which is an absolute *sine qua non* of any magistrate or of judge either on the civil or the criminal side. A judge may be clever or may not be clever; but what is required is that he should be upright and independent and not care for the frowns or favours of any one of his superiors and he should render justice according to his own lights irrespective of the consequences. But here every moment there is a lurking fear in his mind that there sits the District Magistrate who is also the head of the Police who is the prosecutor of the case through his subordinate Police officials. So naturally he tries to shape his decisions in the light of that prominent idea in his mind, namely, the idea of pleasing them. I am not accusing the magistrates; I am not saying that they are dishonest. After all they are human beings. We have to take that into account. If I condemn the magistrate, it is because I condemn the system, of which he is the victim; so I feel pity for him rather than hurl rebukes at him. He is not independent; thereby the independence of the Judiciary which is the most essential requisite of the administration of justice is gone. It may be asked: 'Is the District Magistrate interfering in each and every case? Is he not minding his own affairs sitting at his headquarters? Does he interfere in all the petty cases which come up before his magistrates?' I agree that such a question will be put to me. But I will answer that. I say that he does not interfere directly; but he is indirectly and in a sense even directly, interfering every moment by being the head of the Police who are the prosecutors. If he interferes, he interferes most effectively through the Police of which he is the head though he is not personally coming and interfering with the administration of justice. There are cases in which the Police is bent upon taking a certain attitude and compel the magistrate to take the same view with regard to that particular question. Though the magistrate may like to take a different attitude, he is practically bound hand and foot, because he fears that his pay and prospects will be blighted once and for all. We know and it is an open secret that the magistrates are in constant dread of the Police and so we are not getting absolute justice. The magistrates fear that the Police may carry so many complaints against him to the District Magistrate; I know that the Police sometimes even threaten the magistrate with taking things up to the Disrict Magistrate through the Superintendent of Police. The result is that he will have to shape his decision according to the suggestion and dictates of the Police. Apart from their carrying complaints to the District Magistrate, the very fear that the Police would carry complaints to the District Magistrate through the District Superintendent of Police always lurks in the minds of the Subordinate Judiciary and that compels them to decide cases in the particular way the Police want to be done, however their inclinations may be the otherway.

There are cases where District Magistrates have tried to interfere in some way or other with the cases even before District Judges and of course they have failed. But in the case of the Subordinate Judiciary who look to the District Magistrate for their pay, promotion, ambition and the rise in the official ladder—they are all human beings with all their frailties, vices and weaknesses—they have no other option than to shape their decisions to suit the likes and dislikes of the Police and thereby the District Magistrate. I know of a case in the last civil disobedience movement where a subordinate magistrate was asked for an explanation in a demi-official letter as to why he acquitted one of the accused who was tried before him. I have myself seen the demi-official letter because he was involved in some trouble.

12-15 p.m. " A few days later on some other charges he was depromoted and made an ordinary clerk. I do not know how many such instances there are. I also know that sometimes confidential circulars are issued by the District Magistrates on general lines of conduct with regard to cases before the courts; they are sometimes good and sometimes bad. What I am harping upon and laying stress on is that the subordinate magistrates are to a very large extent under the thumb of the Police and therefore under the thumb of the District Magistrate. We have got a system of administration of criminal justice in which the prosecutor and the judge are combined in one single individual. The sooner this system is done away with, the better and it will be to the fair name of the Congress which has fought for it for a long time.

" You know what the effect is. What is the effect of the want of independence of the magistrates? People lose confidence in the impartiality of the magistrates. They think that they are the special agents of the Police, to carry out their behests and dictates. This fact can very well be seen from the numerous applications for transfer of cases to the High Court under section 526 of the Criminal Procedure Code. It may be said that many of these applications for transfer are baseless and are dismissed by the High Court. What is the moral? What is the truth behind all these things? Does it not show that the public have not got that amount of confidence in the magistrates, as they should have? The very fact that numerous applications are filed every day before the High Court for transfer of cases, shows that the public have not got enough confidence and regard for the magistracy and they fear that they would not get justice. The sooner this system is remedied, the better for this country. The dictum is very well known and it is repeated very often in many decision of the courts, that not only justice should be done but that justice should *seem* to be done. The public should not have the least suspicion that they are not having justice at the hands of the magistracy. The decision might be right or wrong. The public must have confidence that the magistrate has come to a decision rightly or wrongly unhampered by any other influence or any other outside agency, let it be a superior officer or anybody else. The fact that this is absolutely wanting can be inferred from the innumerable applications for transfer of cases to the High Court.

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" As a contrast, we shall take the civil judiciary; we have got the munsifs and the sub-judges. Do we have applications to the High Court for transfer of cases? No. It indicates that there is nothing against the munsifs or the sub-judges. Perhaps there will be one case for transfer out of 10,000 cases, as against the very large number of transfer applications under the Criminal Procedure Code. It shows that the people have got confidence in the civil judiciary and that they do not have that confidence that ought to be, in the criminal judiciary. It is better we reform the system.

" It is said that this demand for the separation of the judiciary from the executive is no longer necessary, because of the introduction of provincial autonomy. I beg to differ with all respect, from those who say so. I do think that it is all the more necessary after the introduction of provincial autonomy. Under the system of Government then existing, there was an irresponsible executive and they were in charge of the maintenance of law and order and had control over the subordinate criminal judiciary; and they had a definite and uniform policy all through, irrespective of the views of the Legislature. Now we have got provincial autonomy. What does it mean? It is a party Government. It must be noted that after all, provincial autonomy means in effect party Government. It is not safe to entrust the administration of criminal justice to the whims and fancies of a party; to-day one party may be in power; tomorrow another party may be in power. I do not know whether the Congress Ministers will remain in office in perpetuity. I do not think they are under that delusion. It may be the other way; they will be in a minority one day; or they themselves may go out of office; there is a contingency like that; another party will be in office. The administration of criminal justice should not in any way be affected by the influence of the party in power. So, whichever party may be in office, the public should not have the least concern about the policy of the administration of criminal justice. They must be satisfied with the policy; they must be quite content. Irrespective of the party in office, people should feel certain that they would get even justice both on the civil side and on the criminal side. Therefore I say the separation is all the more necessary, all the more important. That is the foremost requirement of any provincial autonomous Government. We find the separation of judiciary in all civilized Governments, where there are national Governments. I do not see eye to eye to that objection, that there is no demand for this separation with the introduction of provincial autonomy.

" Recently with regard to the Ramnad District Board election just before the introduction of provincial autonomy there was a hue and cry against the terrorism of the Police. It was stated that the Police trampled upon the rights of the people, that they did not allow the people to exercise their votes. People cannot exercise their votes, because of the influence of the executive over the police. I do not know whether it is true or false. I am not here to say anything about that.

I only want to bring to the notice of the House that there is every reason to allege by those not in power, that the executive is using their powers for their own aggrandisement, for the furtherence of their own policy irrespective of the justness or otherwise of their actions. It is better and it is safer that the executive itself should wash its hands off with regard to the administration of criminal justice, so that the fair name of justice will not be dragged in by party politics, either by the party in power or by anybody who is in the Opposition.

" Another objection that is raised is that it will result in an *imperium in imperio*. I do not know what exactly is meant by it. If I understand the matter correctly, Members of the Government might feel that, with the separation of the judiciary from the executive, it will result in the High Court becoming an entirely independent organization uncontrolled by the executive, with regard to the administration of justice on the criminal side. I must say straightforwardly that I will not be sorry if such a contingency arises. I want that only. I want the administration of justice to be entirely under the control of the High Court both on the civil side and on the criminal side. Then only the public will have confidence in the administration of justice. The administration of justice on the civil side is vested in the High Court. I do not know why the administration of criminal justice should be under the control of the District Magistrate and thereby under the control of the Provincial Government. I wish it is transferred to the High Court.

" It is true that the High Court Judges are not appointed by this Government; they are appointed by His Majesty under instructions from the Secretary of State. If necessary I will be one with the Government for agitating for the right of this Government to appoint the Judges. But that does not matter so long as we have a High Court in whom the public have absolute confidence. Even to-day as it is constituted by Judges who are not appointed by the Provincial Government, the people have got confidence in the High Court and they have not made any representations against its control on the civil side. As far as I know, there will be no complaint if there is to be a transference of power, if there is separation of judicial from the executive functions and if they are vested in the High Court. In spite of the present constitution of the High Court, it was the High Court that decided the question of wearing of Gandhi cap and the hoisting of the flag, the tri-colour national flag. You cannot expect that to be done by any other body. It is the High Court alone that can decide such questions without fear of favours or frowns from the Government. It decided that the Police were wrong in taking away Gandhi caps from their wearers and not allowing Congress flags being flown at the tops of houses. I do not know what will be lost by the separation of the functions and by the introduction of this age-long felt reform.

" Then there is the other objection with regard to the costliness of the scheme; it may be I do not want to say anything about it, because

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I have no data; nor have we been furnished with any data by the Government, to prove that it will necessarily result in greater cost. I am not willing to take the *ipse dixits* of the Members of the Government on this point. I am not willing to accept it, unless the Government appoint a committee to go into the question and find out the actual details and figures. Even assuming that it results in greater cost, what is the amount? Greater cost is a comparative term. It may be Rs. 50,000 or Rupees one lakh. Even if the extra cost is going to be a few thousands of rupees, I won't mind it, as long as we have this much-needed reform. I will only say that the Government might accept this resolution and appoint a small committee to go into the matter, to work out details, and to see that as far as possible no further additional burden is placed on the tax-payer. If that is done, all the Members of the House will co-operate with the Government in the matter of evolving a scheme. If we are furnished with sufficient data to show that the cost will be very prohibitive, then we shall surely reconsider our position. But merely on the saying that it will involve greater cost, I do not think the Members of the House will not recognize the necessity for giving effect to this resolution.

" Sir, I would like to say only one word more. That might be a note of warning. The Congress may not always be in office. As I have already said they may themselves voluntarily go from office; not only that, they may have to face lathi charges; they may have to face orders under section 107 of the Criminal Procedure Code and section 144. Action may be taken against Congress papers by the Magistrates. Then let not the Congress people say ' we have lost a good opportunity of separating the judiciary from the executive.' Let them not rue and repent for what they have not done. In view of the fact that the Congress has got an overwhelming majority, I may say that this is the most opportune time for them to effect this reform, so that when they are out of office, they may not be harassed unnecessarily by the Government of the day. They might say with a bravado spirit ' we are prepared to sacrifice ourselves; what do we care if orders are passed either by the executive or by the judiciary.' If however you introduce this reform then posterity will say that in the term when the Congress was in office, this benevolent reform was introduced. I have to strike this note of warning because I fear that Government may not see eye to eye with me with regard to this resolution. 12 P.M.

" Lastly one word more. It is by way of personal appeal. In trying to speak either by way of support or by way of opposition to this resolution, let not the Hon. the Premier or anybody who supports the Government quote algebraical formulas in support of their position. Even as a student I was not quite up to the mark in mathematics and I have forgotten what little I have learnt. So there is no use of the Minister or anybody saying a minus preceded by a bracket becomes plus when it is removed. That sort of enigma I am not able to understand. So I request the Government to say plainly

and candidly as to why they are for or against the motion. I earnestly hope that the present Government which has got a Congress majority and which once stood in favour of separation of judiciary from executive will pass this motion unanimously. With these few words, I commend the resolution for the acceptance of the House."

* KHAN BAHADUR MOULVI GHULAM JILANI QURAISHI SAHIB BAHADUR:—"Sir, with your permission I beg to second this resolution. The question of separation of the executive from the judiciary has been a burning question ever since the Congress came into being. In the present times a combination of both the functions should be deemed to be an anachronism, the more so, when the Congress Party to which the present Ministry has the honour to belong is in office. This fact has given rise to the expectation in the minds of the public that this much-vehemently agitated question will soon be set at rest and the separation will become a *fait accompli*. But there does not seem to be any near prospect of its being achieved and the question is attempted to be shelved under some pretext or another and for no valid reason. We are yet hopeful that our present Government will soon find its way to give effect to this resolution which is absolutely necessary to inspire confidence of the public in the magistracy. Why should there be even whispers of interference of the executive with the magistracy? The case was different when the diarchic form of Government was prevalent and that Government had no control over finance. But the provincial autonomy has given greater powers to the Ministry over finance and they can give practical effect to this reform without much difficulty. If I remember right it was in 1921–22 that the Coleridge-Rutherford Committee was constituted by the then Government to consider the question of the separation of the judiciary from the executive and evidence was taken by that committee and a report was submitted to the Government. Probably on account of want of power over finance that question seems to have been shelved by the then Government. Even in Native States like Hyderabad which is said to be in a very backward condition the separation of judiciary from the executive took place, so long as two decades ago. That system, to my personal knowledge, has been working very satisfactorily there. I do not see why there should be any difficulty in introducing such a system in this advanced Province which is much ahead of so many other Provinces in British India. I hope that the Government will give their best consideration to this matter and satisfy the demand of the public so that such a step may inspire greater confidence in the public magisterial officers of the Government."

*MR. A. RANGASWAMI AYYANGAR:—"Sir, as the mover of the resolution himself said, I do recognize that this is an age-long question. I also state that it has been supported by an age-long reason. It is an old resolution of the Congress but if you search the resolutions of the Congress for the last 10 or 15 years, you will find

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that this question has comparatively dwindled into insignificance. The Congress is now over the larger question of how best to serve the motherland. It may be by the adoption of a democratic system of government or by adopting some other system suitable to the nation that we may be able to achieve our object. The exact form of administration is a matter of minor significance. The primary function of the Congress is how best to serve the masses. The exact nature and scope of the administrative machinery which the Congress may ultimately set up may not be exactly the system that we have now been accustomed to. That is a subsidiary matter which concerns the Congress only after full *swaraj* is attained. Till then it is a matter of fighting the Government of India Act which has been imposed upon us by the British Parliament. The chief object of the Congress is how best to fight the Government of India Act. It is not by oiling the administrative machinery alone that we hope to do it. The reasons that were given for not introducing this reform by previous Governments equally apply to-day. The previous Governments said that if they separated the judiciary from the executive, it would weaken the powers of the executive. If it was so in those days it is much more so now and we cannot afford to see that the powers of the executive are now weakened. Moreover we cannot afford to incur a large amount of expenditure on this reform. We are on larger issues such as prohibition and other ameliorative measures for the masses of the people.

" Sir, this cry of separation of the judiciary from the executive was raised in olden days by Indian publicists in order to escape the harassment of the executive. Then there was British executive and British judiciary. As between the two the Indians preferred the British judiciary for their protection rather than the British executive. It was stated that the District Magistrate, presumably from the instructions of the Executive Councillor directed the sub-magistrates to use their discretion in a particular way. But there was no way to get over the difficulty. Then if the sub-magistrate had abused his power, then there was no way to get a remedy. But the position is now different. Why are you presuming that the District Magistrate may misuse his power, as he did in olden days? Now the District Magistrate is the servant of the Congress executive. You cannot say that the Congress executive or the popular executive is going to misuse its discretion in the same old way as the bureaucratic executive did. That is an assumption which is not warranted. Even granting the present executive misuses, while there was no remedy on former occasions, there are very large remedies now open to the representatives of the people who may put questions or move resolutions and may turn out the executive. Therefore why should we bother ourselves with the question of separation of the executive from judiciary now? The circumstances have entirely altered now. We are now on the question of fighting the Government of India Act and attaining purna swaraj. So we cannot afford to dissipate our energies, and work in water-tight compartments. Not only the judiciary, but the legislature and the

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executive must all be amalgamated if you want to fight with real vigour. If you examine the provisions of the Government of India Act, you will find that it has not provided provincial autonomy in the real sense of the term. Some kind of responsibility has been given so far as the executive is concerned. So far as the judiciary is concerned, it has deliberately created water-tight compartments. That is the scheme of the Government of India Act. You do not have any powers to have your own judiciary. If there is such a power, this cry will have some meaning. For example it may have some meaning in Britain or in a country where you have got full responsibility. Here we are in a transitory stage. To cry for separation of executive from the judiciary at such a stage will land us in a mire and weaken us in our fight for swaraj.

2-45 .m. "Sir, even in England, the Lord Chancellor who is the head of the judiciary is a part of the Cabinet. If you are going to give a system by which the Chief Justice of the Madras High Court is a Minister and part of the Cabinet, I will certainly vote for this resolution. But, as long as you do not have that and the Chief Justice and the other Judges of the High Court are a foreign body and their constitution and powers are beyond the pale of popular control and as long as the High Court is still under the control of the British Parliament, so long it is unthinkable to concede this question. It is a misnomer to call the judiciary that we have got now as a judiciary in the strict sense of the term. It does not rest satisfied merely with interpreting the law. It is a component state by itself. It has got judicial functions; it has got executive functions; it has got rule-making powers and it has got powers of patronage and it cannot be interfered with by the popular executive or by any amount of popular will. It is a state by itself, whose function probably is to carry on possibly a war with the other state, namely, the provincial autonomy composed of the executive and so on. I say that this system has been deliberately designed by the Government of India Act with a view to taking away the little powers of responsible government that are alleged to have been given under the Act. After all, we are out to do away with a foreign system of administration. That administration is composed not only of the executive, but also of the judiciary. One of our objects is to do away with this system of judiciary. It may be that this judiciary is efficient but it is a British system which is quite foreign to the Indian people. Therefore, in our fight to win swaraj we may have to get rid of this judiciary.

"Mr. Ahmed Meeran waxed eloquent over the merits and the integrity and impartiality of the High Court Judges. I am not going to say a word against it. But, the judiciary as it is now contstituted, while it has been able to accord rights to private citizens as against the executive, it has woefully failed to protect the weak against the strong, to protect the peasant against the rich man and the villager against the townsman. I am not stating anything against the individual merits of persons, but I am against the system which prevents

the weak man and the villager from getting justice at the hands of the High Court. Here, I would like to give only one illustration. A villager raised a coconut tope. The question was whether the landlord is entitled to enhance the rent. It was a recent case and the question arose whether it was an improvement under the Estates Land Act. Then it turned on whether coconut was a fruit. If it is a fruit-bearing tree, then the tenant will win and if it is not, the landlord will win. The matter went up from one judge to another, from the lower court to the district judge and then it went up to the High Court. One set of judges stated that coconut was not a fruit but a nut; another set of judges stated the contrary. Ultimately, the matter was referred to a Full Bench composed of three eminent High Court Judges including the Chief Justice. And, after elaborate arguments lasting for several days in which the services of very eminent and highly paid counsel were engaged, the learned judges after all came to the conclusion that coconut is a fruit and not a nut. And why? Because the 20th century dictionary says that coconut is a strange fruit-bearing tree in the East. That is the reason given by the hon. Judges of the High Court for conceding that a coconut is a fruit. All this the poor tenant had to do to establish his rights for resisting the enhancement. Every man in the street knows that coconut is a fruit and that a coconut tree is a fruit tree, but for establishing this a Full Bench of the Madras High Court was constituted, several decisions were resorted to and after all they arrived at that conclusion. That is British justice. It may be an impartial one. I do not deny that. But what I say is that it is unsuited to the poor conditions of the ryot. Therefore, it is I say that whatever the merits of the individual personages and however eminent or learned they may be, they are utterly unsuited to serve the needs of the poor country of India.

"Then again, if you look at the Government of India enactment, there is a strange provision which you have got in it and that is section 227 which says that the proceedings in every High Court must be only in the English language. The power of transferring a subordinate judge and the power of promotion which in the olden days vested in the Government have now been taken over and given over to the High Court and the salary of the High Court judges is now charged on the revenues and the popular Ministry cannot touch their salary or even criticize their conduct or even remove them. I do not mean to say anything against them but supposing on account of lunacy or other causes a person is incapacitated to serve, the popular Legislature cannot remove him from office. For that you will have to go to Parliament. Is that the way the Judiciary in England is constituted? There the Houses of Parliament by an address can remove any judge of the High Court. Therefore the problem is not so much a problem of the independence or the integrity of the judiciary, but whether it is really efficient to serve the particular needs of the people. Therefore, I say, whatever the merits may be in respect of the judiciary as it is at present constituted, having regard to the

experience of the working of the judicial system and having regard to the way in which justice can really be obtained by the rich man because of the length of his purse, because he is able to engage learned counsel and because he is able to go on with a series of appeals which are provided for the existing system of administation of justice is thoroughly useless to serve the needs of the villagers. You do not have this sort of system in the other countries. It is all very well to say that democracy, rule of law and all such things should prevail. But what is after all the purpose of all forms of Government excepting that they are merely a means to serve the larger end, the larger end being the service of the masses. Democracy in the West, I may tell you has totally failed to achieve the object. Under the name of democracy, under the name of supremacy of the law, under the name of constitutions and independent judiciary, the poor people became poorer and poorer and the rich became richer and richer. Therefore it is that you find that in almost all advanced countries democracy as it was originally conceived has totally failed.

"This is the observation made by Jawaharlal Nehru in his 'Glimpses of World History':

> 'These democratic ideas were the intellectual reaction against kings and autocracy. They were based on conditions prior to industrialization.'

Democracy served its purpose. There it stopped. So far as the amelioration of the poor people is concerned, you will have to devise some other system of Government which will suit the needs of the hungry people. In that connexion he says:

> 'Yet strange to say, the radicals and democrats of the early 19th century ignored these changes and went on talking in the fine phrases of the Revolution and the Declaration of the Rights of Man. To them, perhaps these changes *were purely material and did not affect the high, spiritual, moral and political demands of democracy. They will fight to hold on to the old even if it harms* them. They will do almost anything but accept the new ideas and adapt themselves to new conditions. The power of conservatism is prodigious. Even the radicals who imagine themselves very advanced, often stick to old and exploded ideas and shut their eyes to changing conditions. It is no wonder that progress is slow and often there is a great lag between actual conditions and people's ideas . . . Democracy was thus for many decades the carrying on of the traditions and ideas of the French Revolution. . . In India to-day many of our advanced politicians still talk in terms of the French Revolution and the Rights of Man, not appreciating that much has happened since then.'

"Therefore, the question is whether we are going to stick up to the old formula that the judiciary should be separated from the executive. But the test is, whether you are going to serve the people enough and well. That is the only test. Judged from that test, I say that far from helping the struggle against imperialism, the separation will mean that we are making a present, as it were, of some of the small powers which are entrusted to us under the Government of India Act to a foreign and possibly a hostile body, namely, the High Court judges. Therefore, I say that this resolution will do a great havoc to the advancement of the people of the land."

* MR. PRESIDENT:—"As it is nearly time, I adjourn the House to meet again at 11 a.m. on the 7th March 1938."

APPENDIX I.

[Vide answer to starred question No. 51 asked by Mr. J. A. Saldanha at the meeting of the Legislative Council held on the 2nd March 1938, page 314 supra.]

Statement showing municipal towns connected to hydro-electric systems or likely to be connected up to them and the distances of the towns from the hydro stations.

List of municipal towns connected to hydro-electric systems.

	Name of town.	Name of system.	Distance. MILES.
1	Ootacamund	Pykara	16
2	Coonoor	Do.	27
3	Coimbatore	Do.	69
4	Tiruppur	Do.	99
5	Pollachi	Do.	93
6	Udamalpet	Do.	107
7	Palni	Do.	130
8	Madura	Do.	191
9	Palghat	Do.	105
10	Vaniyambadi	Mettur	94
11	Gudiyattam	Do.	122
12	Vellore	Do.	136
13	Chittoor	Do.	156
14	Erode	Do.	36
15	Salem	Do.	30
16	Karur	Do.	76
17	Trichinopoly	Do.	116
18	Srirangam	Do.	121
19	Tanjore	Do.	150
20	Tiruvarur	Do.	184
21	Negapatam	Do.	199
22	Mayavaram	Do.	206
23	Mannargudi	Do.	198
24	Kumbakonam	Do.	176

List of towns likely to be connected up.

	Name of town.	Name of system.	Distance. MILES.
1	Dharapuram	Pykara	129
2	Dindigul	Do.	169
3	Periyakulam	Do.	183
4	Bodinavakkanur	Do.	203
5	Virudunagar	Do.	215
6	Sivakasi	Do.	231
7	Srivilliputtur	Do.	243
8	Karaikudi	Do.	246
9	Tiruppattur	Mettur	81
10	Walajapet	Do.	154
11	Tiruvannamalai	Do.	93
12	Tirupati	Do.	195
13	Conjeeveram	Do.	176
14	Chingleput	Do.	196
15	Villupuram	Do.	133
16	Cuddalore	Do.	156
17	Chidambaram	Do.	179

APPENDIX II.

[Vide answer to understand question No. 25 asked by Mr. J. A. Saldanha at the meeting of the Legislative Council held on the 2nd March 1938, page 314 supra.]

Statement showing the menial staff employed in the Government Hospitals in South Kanarà during **1937.**

Name.	Nature of employment.	Period of employment.	Authority.	Qualification.
(1)	(2)	(3)	(4)	(5)
(1) K. T. Raghavan Nambiyar.	*Nursing orderly,* Government Headquarters Hospital, Mangalore.	*10th April* 1937 to 13th April 1937.	G.O. Ms. No 2247, P.H., dated 18th November 1936.	Qualified compounder and completed Secondary School-Leaving Certificate.
		29th April 1937 to 27th May 1937.		
		26th June 1937 *to 30th September* 1937.		
(2) Shankeran Nayar.	Do.	4th October 1937 to 20th November 1937.	Acting for No. (1) on other duty.	Qualified compounder. (He was the best candidate available for appointment as acting nursing orderly.)
		21st November 1937 to date.	Appointed in place of No. (1) whose services are terminated.	
(3) Krishnan Nambiyar.	Acting peon, District Medical Officer's office, Mangalore.	24th October 1937 to date.	Acting in a leave vacancy.	Retrenched Excise peon who has worked for about three years as Excise peon in South Kanara district.

[NOTE.—Nos. (2) and (3) were in Mangalore in search of appointment and were not taken from outside the district for the purpose.]

THE MADRAS LEGISLATIVE COUNCIL.

Monday, the 7th March 1938.

The House met at eleven of the clock in the Council Chamber, Fort St. George, Mr. President (THE HON. DR. U. RAMA RAO) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Irrigation works in Ceded districts.

* 52 *Q.*—MR. M. NARAYANA RAO: Will the Hon. the Minister for Public Works be pleased to state—

(*a*) whether the Government are aware that in the years between 1924 and 1926, the Government appointed a Committee, presided over by late Mr. Arogyaswami Mudaliyar, the then Minister, to investigate and report the possibility of undertaking irrigation works in Ceded districts;

(*b*) whether the Government passed any orders on the report;

(*c*) whether the Government have given effect to any of the schemes mentioned therein;

(*d*) if not, whether the Government propose to start the approved schemes mentioned therein at an early date;

(*e*) whether it is a fact that the supply channel in Kodur village, Hindupur taluk, Anantapur district, is in need of repairs;

(*f*) whether it is a fact that the cost of the repairs was estimated at Rs. 4,500 in 1935 as a famine relief measure when the famine made its appearance;

(*g*) whether it is a fact that in connexion with this scheme a deputation consisting of the President of the District Congress Committee and other representative ryots of the Anantapur district waited upon the Collector on 29th September 1937; if so, whether the Government will place on the table his report regarding the scheme;

(*h*) whether the Government will state the several tanks fed by the Kusavati river in Hindupur taluk, Anantapur district; and

(*i*) whether all the supply channels flowing from this river are in good working order; if not, whether the Government propose to order an enquiry and undertake the repairs at an early date?

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THE HON. MR. YAKUB HASAN:—" (*a*) A committee presided over by the late Diwan Bahadur R. N. Arogyaswami Mudaliyar Avargal (*then retired Superintending Engineer*) was constituted in 1925 for the purpose mentioned.

" (*b*) & (*c*) Yes, G.O. No. 1973 I., dated 16th December 1926, passing orders on the report of the Ceded Districts Irrigation Committee was placed on the Editor's table. Subsequently a statement showing the action taken on the recommendations of the Committee was placed on the Council table in answer to Legislative Council question No. 672 on the 1st October 1929.

" (*d*) Among the irrigation schemes recommended by the Committee, the Tungabhadra Project, the Papaghni Reservoir Project (Cuddapah district) and the Penner-Kumudavathi Project (Anantapur district) are under consideration. The Duvvaleru Project (Kurnool district) has been sanctioned. Certain projects for utilization of the waters of the Hagari river, a tributary of the Tungabhadra, have been ordered to be kept in abeyance pending a decision on the Tungabhadra Project.

" (*e*) Yes.

" (*f*) Yes.

" (*g*) The answer to the first part is in the affirmative. The report of the Collector has not yet been received by Government.

" (*h*) There are three tanks fed by the river Kusavati. They are Chilamathoor large tank, Kodur Kasba tank and Settipalli Kasba tank.

" (*i*) The channel to the Chilamathoor large tank is in fairly good order having been repaired in 1935. An estimate for *improvements* to this channel is under consideration with the Collector. The other channels require some slight repairs which will be attended to by the local officers."

MR. M. NARAYANA RAO:—" Will the Hon. Minister for Public Works be pleased to state whether the Penner-Kumudavathi scheme already sanctioned will be taken up either this year or next year? This project was visited both by the Hon. Revenue Minister and the Public Works Minister recently."

THE HON. MR. YAKUB HASAN:—" The scheme had never been sanctioned before. It has lately been under consideration. It was ordered that gaugings should be taken for three years. Gaugings have been taken for two years. The Chief Engineer says that we must take gaugings for another one year in order to find out whether sufficient quantity of water will be available. We are considering whether the scheme should not be taken up as a protective work. We are hurrying up the matter."

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?etrenchment in the Fisheries Department and fishing operations with Japanese trawlers on the Indian coast.

* 53 *Q.*—Mr. J. A. SALDANHA: With reference to the observaons of the Director of Fisheries in paragraph 3 of the Report of ie Fisheries Department for 1936–37, will the Hon. the Minister ›r Agriculture and Rural Development be pleased to state—

(*a*) whether any retrenchment in the services or activities of the 'isheries Department has been resolved upon or contemplated by fovernment and, if so, to what extent;

(*b*) which is the firm as stated in the report which has been conucting fishing operations with Japanese trawlers on the Indian coast; nd

(*c*) if there have been such fishing operations, whether Governient have decided or contemplate any measures for conducting fishig operations through their own or Indian agencies?

The Hon. Mr. V. I. MUNISWAMI PILLAI:—" (*a*) The question of reorganization of the Fisheries Department is under active consideration.

" (*b*) It is a Japanese firm; its name is not known.

" (*c*) The question of reviving the conduct of deep-sea fishing experiments is under consideration."

Mr. J. A. SALDANHA:—" May I ask whether the old fishing trawler is still in existence and whether it is still maintained? "

The Hon. Mr. V. I. MUNISWAMI PILLAI:—" Yes, Sir."

Mr. J. A. SALDANHA:—" Is it contemplated to get rid of it if t is found useless and to get a more useful one? "

The Hon. Mr. V. I. MUNISWAMI PILLAI:—" That is also one of the questions that will be tackled in the reorganization of the department."

UNSTARRED QUESTIONS

Previous sanction of the Governor-General for the introduction of the Madras Agriculturists Relief Bill.

29 *Q.*—Rao Bahadur M. RAMAN: Will the Hon. the Prime Minister be pleased to state whether the previous sanction of the Governor-General has been obtained for the introduction of the Debt Relief Bill as contemplated in sub-clause (2) of section 108 of the Government of India Act, 1935, or under any other provision of law?

A.—The Bill did not require the previous sanction of the Governor-General.

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Fixity of tenure to tenants under ryots subject to ryotwari system.

30 *Q.*—MR. J. A. SALDANHA: With reference to the supplementary answers given to my starred question No. 3 on 21st December 1937, will the Hon. the Minister for Revenue be pleased to state whether the Government have since come to a decision on the question of giving fixity of tenure to all classes of tenants under ryots subject to the ryotwari system in this Presidency and if so, what that decision is?

A.—The question is still under the consideration of the Government.

[*Note.*—**An asterisk (*) at the commencement of a speech indicates revision by the Member.**]

II.—MESSAGE FROM THE ASSEMBLY.

* MR. PRESIDENT:—" I have to announce to the House that the following message, dated Chepauk, the 4th March 1938, has been received by me from the Hon. the Speaker of the Madras Legislative Assembly:—

' *In accordance with rule 94 of the Madras Assembly Rules,* I transmit a copy of the Bill to provide for the Control of Traffic *in public places in the Province of Madras* (L.A. Bill No. 4 of 1938) as passed by the Assembly on the 2nd March 1938 and signed by me, for the concurrence of the Council.'

The House will now proceed with the general discussion of the Budget."

III.—GENERAL DISCUSSION OF THE BUDGET FOR 1938-39.

* MR. J. A. SALDANHA:—" Mr. President, Sir, the present Budget appears to be a grand one or a grandiloquent one with big potentialities based on progressive Congress policies and programmes foreshadowed already. Some of them are risky, some of them are chimerical and some of them are substantial. Land revenue is likely to be reduced shortly and Excise revenue is gradually disappearing while the expenditure on the Excise Department will probably increase. Many of the utility departments get only crumbs. The Public Works Department is starved. Grants to buildings, even to those buildings which were erected on the prospect of Government grants, have been stopped. The execution of the programme outlined in the Budget will require the persistent application of the dynamic force of the Hon. the Prime Minister. Lest this dynamic force should break down, possibly some process of rejuvenation might be necessary for our Prime Minister in the manner of one of our elderly politicians."

THE HON. MR. C. RAJAGOPALACHARIAR:—" Any rejuvenation that I require will be obtained by the company of such young *people as Mr. Saldanha here. (Laughter.)* "

MR. J. A. SALDANHA:—" I might say that I myself require some rejuvenation and I shall feel happy to get it in such good company.

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"The great thing now is to find new sources of taxation. I might uggest that title-holders might be taxed and future grants of titles nay be subject to a very high assessment. Tobacco is subject to axation in some other provinces, but it is not subject to any tax ither in this City or in this Presidency. The rate of taxation on the ncome from the races, on those who make a profit out of the races ppears to be very low. There is another source of income which may e utilized for giving grants to charitable institutions as is done in reland and Goa and some other countries. I refer to lotteries. So nany lakhs of rupees are going out of our country to Ireland and Goa ut still we take no action to stop it. I do not say that lotteries should e started for getting revenue for general purposes. It would be a ernicious proposal on my part to make. But so far as charitable nstitutions, especially hospitals are concerned, I think lotteries might e sanctioned and conducted. Thus the drain of money from our ountry to foreign countries may be stopped and the money may be llowed to flow into our own coffers.

"As regards the excise policy of the Government, I consider that o far as my experience of my own district goes, it is not only a risky ffair but also a chimerical one. I might draw the attention of the House to an extract from the recent report on the administration of he Madras Presidency. There is a warning given there at page xxx f the introductory chapter. It runs as follows:—

> 'The department is doing its best to prevent breaches of Abkari and Opium aws. Unless there is some decisive public opinion against illicit distillers and nore effective co-operation with the department from the general public in those reas where crime is so widespread, there is little chance of the efforts of the reventive staff being attended with more than partial success.'

"Now, Sir, coming to my district of South Kanara, though one f the departmental officers has been boasting that they have stopped llicit distillation, I know that it is still going on, because it is very lifficult to detect such cases in that district. Most of the illicit disillation is done from palmyra juice and it is difficult to detect such listillation. To check and prevent this kind of illicit distillation it vill require a very large staff. Though the present staff is a costly ne, yet they have not been able to put a stop to this practice. In spite f the fact that people can get liquor from Parry & Co., and other hops illicit distillation is going on. If, therefore, total prohibition is ntroduced in South Kanara, surely a larger staff will be necessary nd I am sure even with a larger staff it will not be possible to put a top to this kind of illicit distillation; on the other hand there will be a roaring trade by distilleries in the district. I do not wish to dilate n this unsound excise policy and prohibition policy, but I want to lraw attention to the fact that Government are not only losing a big source of revenue but are also losing a big source of industry which ther countries are making use of. The British Excise Department has to a great extent undermined a big source of industry and now the prohibition policy will destroy an industry which could add to our national wealth. In this connexion I may refer to an article published

in the February issue of the '*Goan World*' wherein it is stated that Father Thomas Paris of Ceylon has been doing research work for the last ten years for discovering a process by which fermentation in coconut juice can be arrested. I hope by this process fermentation of toddy can be arrested and that toddy can be sold in bottles like ginger beer which everybody likes and takes and I hope that even our Hon. the Premier will take it. (Laughter.)

"As I have already said there has been a great deal of starvation of certain departments. For instance, I find on page 237 of the Budget, under grant-in-aid to secondary schools Rs. 92,000 and odd has been provided in 1936–37 and this year also it is practically the same. As regards collegiate education, 2½ lakhs was provided in 1936–37, but this year it is only Rs. 1,75,000. I understand that nearly 1½ lakhs have been spent by aided institutions on the assurance of the Educational Department that half amount spent would be allotted as grant-in-aid. As a matter of fact, plans and estimates in certain cases were sanctioned by the Government and even buildings have been erected and what will be their position if the Government now come forward and say, we have no money to pay. I think it is a breach of faith on the part of the Ministry. It is only Robbing Peter and Paying Paul policy. If they want to do justice in these cases, I hope the Government will find a way by which they could carry out their pledges towards these institutions, which are being maintained at great sacrifice by missionaries and others.

"I wish also to refer to grants for boarding houses. Here also in the case of the Indian boarding houses, there is a provision of Rs. 2,81,000 and odd, while for European boarding houses there is a provision this year of 2·59 lakhs as against 2·20 lakhs in the previous year. This is most inequitable, because it will be seen that whereas an Indian orphan gets Rs. 3, an European boarder gets Rs. 15 per month. I do not, of course, grudge this grant for the European orphan, but what I want is better provision should be made for Indian boarding houses. Rupees 3 per orphan in an Indian boarding house is certainly a trifling figure. I do hope the Government will take this into consideration.

"Now, Sir, as regards grants to local bodies for roads and bridges, apart from grants for trunk roads and marketing roads, in the present Budget only a provision of Rs. 5,24,800 has been made. This shows that there is here another reduction in grants as against the previous year. It must be admitted, Sir, that roads and bridges are quite necessary for villages. I do not know how the Hon. the Prime Minister will justify his statement that there has been liberal and increased grants. If there is an increase on one side, there is a reduction on the other, so that it looks as if the figures have been cleverly manipulated. This sort of throwing crumbs on one side and picking crumbs from the other side, is not an equitable way of distribution.

"With regard to minor irrigation, though there is an increase in the provision made in the Budget for the coming year, I may point

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)ut that South Kanara gets practically nothing out of this grant for :he improvement of tanks and reservoirs which are becoming worse lay by day. In this respect, Sir, my district is a most neglected one ınd though the Hon. Ministers when they go on tours admire the grand beauty of the district and flatter us by saying that we have rrand institutions and other things, we are neglected in every respect.)f course we do get good rains, but most of it is carried away into the ocean and very little is left behind and the result is that the land is lry for about eight months in the year. In the upper areas, people ıave constructed fields at immense cost. In these parts, people have only to depend for water on wells and reservoirs constructed by themselves at immense cost. Government have not contributed anything o them. Though the Government have not built them, yet absolutely ıo step has been taken by Government for improving or maintaining hese small irrigation works. Year after year the representatives of South Kanara have been urging this demand of our district on the Ministers, but only in vain. I hope at least now the Hon. the Premier will consider this question sympathetically.

"Coming to industrial school, even in this matter, my district is far behind other places. For instance, though Mangalore is one biggest industrial town next to Madras, it has been treated by Government in a step-motherly fashion. We have been agitating for an industrial school for Mangalore but it has not got it so far. There is of course a trade school there and an industrial school at Calicut. Of course, I do not grudge Calicut an industrial school, because it is also one of the big towns in the Presidency. But, my complaint is that even this trade school we have been having is very much reduced.

"Then in regard to private medical institutions, I find that the provision has been reduced from Rs. 2,90,400 to 2½ lakhs and that means that the Government have been following an ungenerous policy in respect of these important institutions. As to the institution of honorary physicians it would have been better if they had followed this policy in a gradual manner instead of doing things so hastily. In fact they have abolished certain posts. When posts have been advertised for, and selection made by the Public Service Commission, it is not proper to abolish such posts. These things should be done with caution. In the case of honorary physicians, they get an honorarium of from Rs. 20 to Rs. 100. I am sure the Hon. the Minister for Public Health is aware that such a system is likely to lead to abuse, because people are open to temptation when they get low income. I therefore request the Government to be a little more cautious in regard to these matters.

"Then I go to the question of supply of power to Mangalore from the Pykara scheme. In a communiqué issued by Government, a number of towns to which power from Pykara would be supplied were mentioned. Mangalore finds no place in it. I am told there is some technical difficulty in it. But on inquiry I understand there is really no such thing, and I have been assured by the Hon. Minister that in two or

three years Mangalore will be given power. Sir, Mangalore now is in dire need of electric power, as it provides a cheap method of running any industry. So I hope Mangalore will be connected to the Pykara scheme within a short time.

" Proceeding then to the Forest department, on this subject previously so many people have made representations including myself, that I do not wish to dwell on it very long. The grievances are many, and the subject is complicated. Anyhow I shall confine myself to one point. (Laughter.) And what is the policy of Government. So far as the forest question is concerned, it is a battle between wild beasts and human beings. The Government sides the wild beasts. It seems they are taking more care of the wild beasts than men. (Laughter.) Sir, Government are growing sandalwood in my district, and lest it should be spoiled they have completely shut up the forests to the people. Simply because in a few parts of the forests sandalwood is reared, I don't think that is a sufficient justification for Government to shut up the whole forest to the people. And what is the result? Panthers and Bengal tigers are to-day infesting the areas, and are devastating the country, rendering cultivation impossible and the safety of men and cattle insecure. I would only request the Hon. Minister for Agriculture and Labour to proceed to those parts and try to secure one cup of milk, as the wild beasts have carried away almost all cows, and the areas are deserted. And how have the Government tried to tackle the situation? They have said that they are willing to issue gun licences so that shikari parties may be formed to bag the wild beasts. Sir, how can you expect poor people to afford for the purchase of guns, when they have not even the means for their daily livelihood.

" Then, Sir, what a number of officers for this Department? In Mangalore there are a large number of such officers residing in the town itself, though their work lies farther away in the forests. I have been in Mangalore for the last fifteen years and have been watching the working of the department all the while. I see the number of officers being increased with the lapse of years instead of being decreased. I cannot understand what is the use of maintaining such a huge establishment. I wish the Minitser visits the area and sees things for himself. I am sure instead of hearing the music of human beings, he will be hearing the roar of wild beasts.

" Then taking up the Judicial department, what do you see? The old proverb says: 'We shall neither sell nor delay justice.' And what do you observe in the Presidency? There is any amount of selling of justice. The income of Government from the sale of judicial stamps alone comes up to the figure of 107 lakhs, and they are incurring a total expenditure of only 95 lakhs under the head of Administration of Justice, ignoring for the present all other sources of revenue under this head. I ask, is this not selling justice at the expense of the poor man? Again, Sir, they have increased the registration fee almost doubly, instead of reducing it.

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" Sir, I do not want to take up the time of the House any further, as there are several hon. Members anxious to speak. Personally, I would have preferred to speak to-morrow, but it has happened otherwise. (Laughter.) I hope other Members who will follow me will do justice to the points I could not touch upon and the Hon. Prime Minister will have the energy to carry out this stupendous budget. With these words I resume my seat."

* MR. D. M. REID:—" Mr. President, Sir, I would crave your indulgence and also the indulgence of the House on the occasion of my first standing up and speaking in this very august body.

(At this stage the hon. Member was asked to speak to the microphone.)

" I am not accustomed to speak through the microphone, and I do not think I need it, as I have a loud voice. I hope now it is all right. Formerly, Sir, I used to speak in this House without the aid of the modern contrivances. (Laughter.) I hope you will give me timely intimation if I am not heard properly, Sir. I crave your indulgence, Sir, this being my maiden speech, and particularly now that I am facing such a wealth of intellect and eloquence, as I face now; and such a body of power and influence, I submit, I look upon with great respect.

" Sir, this budget which we have before us shows a sound financial position and a wise equilibrium between receipts and expenditure, which one is accustomed to receive from the very highest democratic legislators. I hope it will not be thought I am ungenerous in commenting on certain fortunate things that have happened, namely, on the early dividend from Government surplus, on the increase in excise revenue, and again in forests, registration and motor vehicles. No. I think they deserve this good fortune because in my experience of life, particularly for the number of years I have spent in this city, I think people have got what they deserve, and my friends may take it from me, that they have got from this Government what they deserve. There is the prospect of Government electrical undertakings which have gone on usually well, and on the whole the scene has been set for a suitable budget. I do not mean in any way to depreciate the Hon. Finance Minister's great effort that he has made in this budget, which is generally good. Perhaps in future years, it will be noted particularly as being the 'pure drinking-water budget.' There is no one here who will deny that is not of prime importance to the people of this Presidency and that for those of us who are placed in a position of influence and who have to attend to the making of laws and who have to govern the people of this Presidency, the interests of the masses must necessarily always come first. That must be recognized by every one. Our own prosperity will be as nothing unless it is accompanied by continual improvement in the welfare of the masses of the people of this Presidency.

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" Now I come to the gloomier part of what I have to say. And it is this. No Government would be wise if they did not look prudently at the future, and if they did not put a check upon themselves to prevent themselves from thinking that they are always going to have a situation of the present prosperity. I do not see how we can reasonably expect the long continuance of the prosperity under which we have been existing for some years. There has been all over the world good trade. There has been an expansion of trade; there has been a development in industries; a large number of new companies have sprung up in this Presidency.

" Export trade for the last two years has been developing with astonishing rapidity, bringing work for many thousands of the people of this country and the Presidency of Madras has taken part in it. That is particularly important where hand-loom industries are concerned. They have done well and they have had a good time as regards their exports. We should be foolish if we banked upon this continuing revenue. Again, there are good years and lean years and they apply to that industry which is by far the greatest in this Presidency, that of agriculture. Some time there may be good crops; some time there may be bad crops throughout and famine.

" In making our budget, we are affected by outside influences, by world influences, by all-India influences and by influences of every kind. We would be foolish if we did not look with apprehension at the present state of the world, not only politically, but commercially, industrially and socially and the great movements that are attached to it. Some day this great country will be faced with much greater expenditure in many ways if the world cataclysm should develop. As all prudent people must confess, it looks like that, which we pray, will not happen but the situation is there. I hope, Sir, that the House will not think that as a business man I am just giving a general gloomy outlook. I just say that we should look at the whole situation with prudence and that with prudence we must prepare our budget.

" Now I am coming to the particular part of my hon. Friend's budget which has caused a certain amount of apprehension among the community whom I have the honour to represent here. I may just quote it briefly. 'The Government are alive to the necessity for finding more revenue and undertaking the unpleasant task of expanding existing sources of revenue or imposing new taxation, and the problem is being subjected to detailed examination along several lines.' As has been stated in another place, we view with apprehension the possibility of new taxes of various kinds. Perhaps we are not right in our apprehensions and perhaps my hon. Friend has a wiser view in making that statement. It may be that he will not depart from the usually sound principle that all new taxes should, if possible, be introduced in the budget; I hope he wishes to give good time for consideration of all the new or possible measures of taxation that may be brought in and that his intention is to bring these up gradually

and to allow good time so that they may be amended suitably after due consideration and wisely and that they may, in effect, be introduced at the next budget. While having considered them during the year, I trust that we know all our commitments for 12 months of this budget and that whatever he may bring forward for consideration and decision during the year will only have effect from the next budget. That will avoid rush legislation and will contribute to sound and wise new taxation.

"It is the duty of the Opposition to criticise. I am the only one Member in this House representing my community and perhaps therefore it will be more right for me to make useful and helpful criticism. I may genuinely say that this budget has been brought forward wisely. Democracy in the world is in the balance in budgets as well as in legislation and administration. In many countries budgets are introduced on very doubtful principles. We may say that democracy is being justified in this Presidency and it is justified in its financial legislation as in its other features. In these circumstances I am happy to speak of the honesty of the Government and hope that I, as a representative of my community, will always do my best to give support when it can be done and to oppose to the best of my conviction and always with sympathy and understanding to the best of my ability."

* Rao Bahadur M. RAMAKRISHNA REDDI:—"Mr. President, Sir, it is with sincere pleasure that I offer my warm and hearty congratulations on the financial statement of the Hon. Premier, and the Finance Minister, which was placed before this hon. House the other day. The statement is very interesting and highly satisfactory, and without any fear of contradiction I can say on the floor of this House that it will take rank with the best statements that had ever been placed before this hon. House. The finances of this Province are passing at present a new phase and judging from the statement that has been placed before us, I hope that the tenure of the office of the Hon. Premier and Finance Minister will certainly be a unique one and eventual in its history. Please allow me to thank most heartily the Government in general and the Finance Minister in particular for the various measures that they propose to introduce in Chittoor in the year 1938–39. From the financial statement I see that from 1st October 1938 they propose to introduce prohibition and to extend the Pykara scheme to Pakala and Tirupati. They are also going to establish 'bee-keeping industry' in Chittoor district having regard to the peculiar condition of the district. The other day when the Hon. the Prime Minister was pleased to place before this House for its consideration the Prohibition Bill. I was one of those who protested rather vehemently and opposed some of the provisions of the Bill, though I voted in favour of the Bill at the end. I had to do so because I felt and I feel even now that there are some dangers ahead. In the end, the Prime Minister while replying to the opposition said that he did not want Members sitting on the opposite side to say 'no' for he

feared that Gods above will also say 'No'; and he wanted us to co-operate with him. Sir, I may assure the Hon. Premier on this occasion that I shall give my hearty support and also lend all possible help to make prohibition a success in my district, as far as it lies in my power. In Chandragiri taluk the ryots in Pakala, Panapakam and Chandragiri firkas are depending entirely on wells to bale out water for their lands. We are told that the Pykara Scheme is going to be extended to my district this year and they have also sanctioned Rs. 2 or 3 lakhs for the extension. Hereafter it will not be necessary for the ryots to spend large sums of money in purchasing bulls every year for getting produce from the lands. With the supply of electricity and with the help of the Government loans they can bale out water easily with less cost from their wells to their lands; this will save the necessity of the ryot to go in for loans every year. I trust that this will be extended to Vayalpad and Madanapalle taluks also next year.

"I would like to place before the Government some of the difficulties of the ryots in spite of the fact that the Government are prepared to give some help to the ryots in various districts. The Government were pleased to issue a Press Communiqué in the month of December to the effect that they are prepared to give remissions to the extent of Rs. 75 lakhs this year. But I am only sorry to say that 50 per cent of the agricultural population in the rural parts do not have the benefit of this beneficial remission. I will just mention the reasons for the same. When the last budget was placed before this hon. House, the Hon. the Chief Minister stated that he has set apart an amount of Rs. 75 lakhs towards the remission. The order, though it was decided in August 1937, was issued in December 1937. By that time, the first instalment of kist had been actually paid to the Government. The ryots were not informed either by the Revenue Inspectors or the village officers that they were going to get some remissions. The Press Communiqué was issued after the ryots had paid their first instalment. The revenue authorities stated that the ryots cannot deduct any remission with regard to the first instalment, because the Government Order stated that remission should be given effect to only in the last instalment. Dry lands which are classified as first, second and third 'tarams' are only entitled to get remission but not other dry lands. The wet lands whose assessments were raised in 1914 were only entitled for remission. A large number of ryots do not know whether their dry lands belong to the first, second, third or fourth taram or the assessment of their wet lands was raised in 1914 or not. Though the Government have stated definitely that there will be remission to the extent of Rs. 75 lakhs, the ryots were not able to understand the real value or the significance of the Government Order as it was so complicated. The result is that poor people are driven to the necessity of paying the full amount. Some of the ryots have not understood the Government Order and they have not been really benefited by the remission the Government granted. It is not known

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why the Government should say that the remission amount should be deducted only in the last instalment. The Government Order was issued very late with so many difficult conditions. The poor ryot does not get any remission. If anybody goes to the karnam and asks him what is the amount of remission he gets, the karnam says the records are in the Sub-Collector's office; the old adangal is in the Collector's office and that correspondence with regard to actual figures is going on between the Sub-Collector and the Revenue Inspector. Under these circumstances the ryots were not told about the actual remissions they are entitled to get on their wet lands and dry lands. There may be no motive behind the revenue authorities but I wish to bring this to the notice of the Hon. the Minister for Revenue so that in future, at least, the order is issued sufficiently in good time so that people may know and get the benefits of the Government Order. The Government should see that the ryots pay the first instalment deducting the proportionate remission. There should be a flat rate of remission on all wet and dry lands.

"And again, Sir, I want to place before the Government one other question. Generally the village karnam prepares the annual demand list. There, he puts the amount which the Government is to get or must realise from on a particular field of a village for that particular fasli. He puts the numbers of various pattas or the survey numbers and says that for those particular pattas or numbers so much money has to be collected from the ryots. That is what is happening in my district but I am told in other parts of this Presidency it is quite different. There, the demand is prepared in this way. The demand shows what each ryot has to pay to the Government on his lands. This system exists in some districts. The ryot knows what he should pay and he is ready with the money in advance. In the same way if the ryot knows what exactly he should pay to the Government he will pay the money directly to the Treasury; he will not pay the money to the village karnam or the village munsif who pays to the Treasury what exactly is due by the ryot and takes the rest for himself.

"In some cases you have joint pattas, one patta standing in the name of more than one man and each man has got to pay $\frac{1}{3}$, $\frac{1}{4}$ or $\frac{1}{2}$ as the case may be. But we find the karnam collecting more than half from each of the persons and he takes the difference for himself. My submission is that the hon. Revenue Member must issue instructions to the Collector to insist upon the karnam to prepare a proper demand list showing the exact amount each man has to pay actually to the Government. Just look at what is happening in the municipalities. In the municipalities the commissioner or the chairman issues a demand fifteen days ahead saying that so and so should pay so much amount for water-tax, profession-tax and for house-tax. The man is in a position to know the exact amount he has to pay to the municipality 15 days or 20 days in advance. That is not the case with regard to the village ryots. He knows not what amount he has

to pay exactly to the Government. The karnam goes to the ryot says that he must pay so much. For what numbers, Sir, he does know. My request is that in future the demand must be prepa on the lines I have suggested so that the ryot will be made to pay o the amount which he is actually entitled to pay to the Governme I have found certain cases, where the ryots had paid more than th dues and so I am placing this before the Government so that they n issue necessary instructions in this direction.

"Again, I want to make a few suggestions with regard to us remissions. For instance the ryot cultivates 10 cents out of a num which consists of 10 acres. The revenue authorities including sub-collector and the revenue inspector are aware of the fact that th is inadequate water-supply and that the ryot cannot irrigate whole field. But knowingly or unknowingly the ryot has cultiva only 10 cents out of the whole 10 acres and when the jamabandi co they pass orders to say that remission is refused on the whole num consisting of 10 acres. He actually cultivates only 10 cents; everyb knows that. There is no water in the spring channel or the ta but on account of the fact that he has irrigated 10 cents out of 10 ac he is deprived of the whole remission which he is entitled to in natural course of events and because he has produced paddy wo about Rs. 5 he is driven to the necessity of paying full. This unjust and unreasonable. The karnam knows it, the revenue inspec knows it, the thasildar knows it. Though he has irrigated 10 ce only he must pay for the whole number. You find these unreasona rules in the Board's Standing Orders. My only request is that Board's Standing Orders must be amended suitably. And again the rainy season we find water everywhere in abundance. Water ov flows even over the dry lands and it flows for 15 days or one mon The karnam knows that the water is flowing only for one mon Still the whole field is charged for six months though the water taken only for one month. The ryot is asked to pay the kist in f for the whole season.

"My Hon. Friend Mr. Prakasam toured in the Chittoor distr very recently. Then, many ryots and associations also placed bef the Hon. Revenue Member this difficulty and I hope he will consi the question and amend the Board's Standing Orders suitably. I request is that the Government should do something in this directi also. Mr. President, without any fear of exaggeration, I can say th I am convinced of the fact that the Hon. the Premier has taken ve seriously the cause of the ryots and the agriculturists' interests very near and dear to his heart and I am thankful to him for th But, Sir, the laws which have been passed in the period of ni months are not sufficient to give permanent relief to the agric turists. In some cases it will give only temporary relief. Hist will repeat itself and they will again borrow and become paupers the long run. I therefore place before the Government some of t

measures which will go a long way to help the ryots permanently, if they are carried out or given effect to by the Government. Mr. President, the Government must give (1) a substantial reduction of the State demand on land. It is accepted by all experts that the fertility of the soil goes down year by year on account of the law of diminishing returns. Because the fertility of the soil goes down the yield from the land will be naturally less. That is accepted to be true by many experts and also by all practical agriculturists and therefore I need not press that point. To add to the inferiority of the soil and the incapacity to yield the maximum, we are taxed by the Government very heavily. I think such a rate has no parallel in the world. I may tell you that in

	Percentage of taxes in relation to gross produce.
The United Kingdom it is	8·3
France	4·8
Italy	7·0
Austria	4·9
Germany	3·0
Belgium	2·8
Holland	2·8

" These taxes on land include stamp duties and local rates and, in France, road-cesses. In India including Madras, leaving out of calculation provincial rates and stamp duties and confining ourselves to land revenue what do we find? In Madras, we find the assessment is more than 20 per cent. The land is declared to be very inferior; we are getting less yield possible from the land. To add to this miserable condition we are to pay 20 per cent and nowhere in the world we find such a high rate of assessment as we have to pay in this province. Again to add to these miseries what are we getting as prices for our produce raised from the lands? Now we are not getting even a half of the amount we got in 1920. I may say that those people who were then rich are now on the verge of insolvency. They are not making any profit as far as the agricultural industry is concerned. We have not got marketing facilities. The more one owns lands, the more opportunities for one to lose. We do not realize anything from an investment of money on land. This is the result of the present agricultural industry. Having regard to all these conditions we look forward to a remission of at least $33\frac{1}{3}$ per cent. You have given some remissions on the assessment made in 1914 and those remissions are applicable to those lands which have been classified as first taram, second taram and third taram. In 1920 we were getting so much, now we are not getting even one half of it. What is our fate? Are we to lose even the investments. We have to lose these investments unless it is reduced by at least $33\frac{1}{3}$ per cent.

" Again, I am very much surprised to see from the Premier's financial statement that he is seriously considering the question of

levying fresh taxes and I am told that he is still considering t question of levying a fresh tax on agricultural produce. I have ‹ plained the present situation. In 1920 we were better off and in 19 we are paupers. We are not able to make both ends meet. And the Government are going to levy a tax on agricultural produce may assure the Premier that he is driving the cultivators to ruin. appeal to the Premier not to tax these agricultural incomes or do an thing that will touch the purse of the ryots. My only request is th he must as far as possible try to give us not less than 33⅓ per ce remission even to all those lands not coming within the Press Co munique issued in the month of December 1937.

" The next measure that the Government has to adopt in order give permanent relief to the ryots is that they must take action relieve the ryot from the heavy load of debt. I know that the Pı mier has already taken steps and also got the Agricultural Debt Reli Bill passed. I am of humble opinion that it will not be of much he to him. It will do more harm than good. It will not help him get money to pay his debts to the creditor. I have said enough that subject when I dealt with the Agricultural Debt Relief Bi But I think I will be doing good if I just quote a few sentences what Gopala Krishna Gokhale said when he spoke on the budget 1906.

'Next a resolute attempt must be made to rescue the Indian agricultur from the load of debt that at present overwhelms him. . . . It is the opini of competent authorities that quite one-third of our agriculturists, if not mo have already lost their lands, and they are remaining on them merely as the se of their money-lenders. Now, I would take the cases of such men first, and would appoint a special tribunal to go round and look into each case, going behi the bond where necessary, and I would have a composition effected, either amicable arrangement, or by exercise of legal powers, with which the tribu may be armed. I would place, say, a million sterling at the disposal of t tribunal, out of which advances should be made to clear the debt, to be recover by adding about 4½ per cent on them to the land revenue demand of the State 3½ per cent for interest and about one per cent for repayment of capital, t repayment being spread over fifty years or so. Having helped to free the man this manner, the Government may then fairly claim to impose restrictions his powers of alienation. Of course, this is only a bare outline, and the sche will have to be worked out in detail and examined carefully before adoptic If the experiment shows signs of success, it can be extended to other parts. If ends in failure, well, some money will be lost, but the risk has to be taken.'

" Mr. President, in 1906, Mr. Gopala Krishna Gokhale said th the Government should certainly advance the money to the debtor that he may be able to pay the creditor and he has also said that tl amount can be repaid by the debtor within the course of forty or fif years. I say that it is necessary on the part of the Government advance the amounts to the debtors. No doubt the Government ha provided a sum of Rs. 50 lakhs; it is only a drop in the ocean wh we compare that with the agricultural indebtedness of nearly Rs. 2 crores in this Presidency. So, I request the Hon. the Premier provide more money under this head, so that the debtors may also g more money in their turn.

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" Sir, in addition to these debts the agriculturists have to go in for 12-15 p.m. oans for purchasing seeds, bullocks and agricultural implements. 'he Government must start more co-operative societies and give other acilities so that the ryot may be in a position to get credit at a low ate of interest for his reasonable wants.

" In other countries many industries such as fruit canning, inning of cotton, crushing sugar-cane, manufacture of palmyra fibre, lass and paper making, pressing oil-seeds and cutting timber have een started in rural areas. In India and particularly in our Presiency, 90 per cent of the population depend on agriculture alone nd so they are not able to make both ends meet. At least a small roportion of them must be made to work in factories so that they an earn some living by that means. Otherwise it will be a great oss to the community generally. The agriculturists must be taught o direct their labour with intelligence and success. The Government hould open more agricultural schools where the sons of agriculturists nay be given practical training so that they may be able to carry on heir agricultural operations profitably. Necessary provision should be nade in the Budget for the opening of vernacular agricultural schools or the ryots. Technical scholarships should be given to them so that hey may go to foreign countries and learn modern methods of agriulture.

" Sir, free and compulsory primary education is very necessary. 'he Budget has not provided any amount for that purpose. I request he Government to make education free and compulsory at least in ne or two districts as they have done in the case of prohibition. If his is done the ryot will learn to do something tangible and substanial to make his life more happy and prosperous.

" My last point is this. There is pressing need for works of sanitary mprovements such as water-supply and drainage. The Government hemselves have provided sufficient funds for rural water-supply. Ve have no complaint with regard to that and we are highly obliged o the Hon. the Premier in that direction. But there are a number f places affected by plague and cholera; for instance, Kuppam in 'hittoor district and also Ootacamund suffer from the same fate. The Government must take effective measures to free these places from these pidemics at an early date.

" Sir, I should be failing in my duty if I do not thank the Hon. Iinister for Agriculture and Rural Development for the reduction of razing fees by one-half. It is an old complaint and I was one of hose who pressed for free grazing facilities and free removal of grass nd fuel. The Government have been pleased to reduce the grazing ees by one-half. With regard to the removal of grass in Chittoor istrict, the Government have been pleased to issue orders that grass an be cut free in some reserves. It is not known why it is not allowed n other reserves also. Inasmuch as the Government have accepted he principle it is but fair that they should extend this concession to

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other reserves also so that there may be plenty of fodder for cattle. The expenditure on the Forest department is 41 lakhs whereas the income is only 45 lakhs. We are saving only 4 lakhs. I think therefore that these concessions may be allowed to the ryots and it will go a long way to ameliorate their condition.

" With regard to the Medical department, we have heard much about its reorganization. I do not know much about it because I am after all a layman and I cannot perhaps pronounce my opinion authoritatively on this subject. But I have got my own scheme which I want to place before the Hon. Minister for his acceptance. Generally in each village there is a rich man or an educated man as the case may be and all the villagers including the women and children go to his house, if they are in need of medicines. Some people actuated by motives of sympathy keep with them some patent medicines. (The Hon. Mr. C. Rajagopalachariar: 'Amrutanjan.') Yes, such as 'Amurtanjan.' I am glad the Hon. the Premier is already in the know of things and has perhaps anticipated my remarks. That is the usual custom in the villages. Why not we supply some medicine chests containing some patent medicines to these villagers so that people suffering from small ailments which are not in an acute stage may take advantage of them? The schoolmasters and presidents of panchayat boards may be supplied with these chests. We have got the meeting of the teachers' association every month at the headquarters of the firkas in each taluk and it is presided over by the Deputy Inspector of Schools. We can just ask the Medical Officer generally to attend that meeting and give instructions to the teachers as to how to use these medicines in case of urgency. I would request the Hon. Minister to consider this question seriously and provide some medicine chests to some of the big villages in each district. I do not want him to introduce this system throughout the Presidency, if he is short of funds, but it may be tried as an experiment in some districts at least. These medicine chests may contain medicines which are not injurious to handle by laymen also. The Government are not going to open rural dispensaries on a large scale. Therefore by spending a few thousand rupees in the way I have suggested the Government will be able to give some immediate medical relief to the poor villagers. The poor villagers are not accustomed to go to hospitals generally and the hospitals are often far away. I think this scheme will go a long way to give some relief to these poor villagers. Therefore I very earnestly request the Hon. Minister to consider this scheme and do something in this direction during 1938 and 1939.

" Another great trouble from which the poor agriculturists in the villages suffer is the diseases of cattle. In Chittoor district, we have Tiruttani, Puttur, Kalahasti and Chandragiri taluks in Chandragiri division. These four taluks practically consist of agricultural population but we have not got even one veterinary hospital in any headquarters of the taluks. Having regard to the importance of cattle in the life of an agriculturist I ask, Sir, why should we not provide

one hospital for one taluk? I find from the budget that the Government propose to appoint twelve touring veterinary doctors and open four dispensaries. I think, Sir, that the Government should open 12 dispensaries also this year. I request the Hon. Minister to consider this aspect of the question and see that there is at least one dispensary for one revenue division, if not for each taluk. If on account of the financial condition of the province it is not possible to have one dispensary for each taluk, the Government may at least provide one dispensary for each revenue division.

" I now come to the question of subsidies to local bodies for building grants. I hope the Hon. Minister for Education is aware of the fact that local bodies are going on sanctioning large sums of money towards house-rent for elementary schools located in the villages. Sometimes the house-rent of Rs. 5 is raised to Rs. 10 and sometimes it even goes up to Rs. 25 and Rs. 30. I request that the Government may increase the provision for subsidies to local bodies so that they may put up cheap buildings of their own for which they need not be paying rent every year.

" I now come to the question of village roads. They are all in a very unsatisfactory condition. Most of them are not connected with the main roads or the marketing roads. The villagers are not able to take their produce to the markets and get the maximum value for it. If the Government provide about ten or twenty lakhs of rupees for this purpose they can easily connect the villages with the important cities and towns in the district. Unfortunately the Government have provided only one lakh under this head. This is far from satisfactory. The Government should provide more under this head.

" I want to say a word about the beggar problem. We see everywhere a large number of beggars moving about and giving the maximum amount of trouble and causing nuisance to the public. Even strong men who are able to do work in the fields have taken to begging. They say that they are professional beggars, that thier fathers were beggars, that they themselves have become beggars and that their sons also will be beggars. I ask, Sir, why not we make them work. An appreciable portion of this community have taken to this walk of life due to indolence and not to any ailment. The Government may come forward and supply food and clothing to those persons who are old and infirm or who are not physically strong to work. That will be a very charitable thing. At the same time, we should not allow these young and able-bodied beggars to be a growing menace and nuisance to society. I suggest that the Hon. the Premier should take up this question seriously and do something for it. It is a question which appealed to me even while I was a student and when I have become a Member of this Council, I am anxious to see that something tangible is done in that direction.

" Before I resume my seat, I want to thank the Hon. the Premier once again for the excellent budget he has presented. At the same

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time we are all happy to see that he has done justice to the agriculturists in some directions. My only request to him is, that he should not think of taxing agriculture any more. If he should think of raising any fresh taxes, I hope he will place the subject before the Council and take its views on it before he resorts to any such taxation."

* Mr. PRESIDENT :—" Mr. Jogayya Pantulu will now speak."

Mr. V. V. JOGAYYA PANTULU :—" I suggest that hon. Members on the other side may speak first."

* Mr. PRESIDENT :—" Does any hon. Member on the other side want to speak? "

(No hon. Member rose to speak.)

The Hon. Mr. C. RAJAGOPALACHARIAR :—" I wonder if, as I have a right to claim, there is not much of criticism, whether we might not close the discussion to-day. No doubt, three days have been allotted for the discussion, but that does not mean that we must sit and do nothing for three days. If other hon. Members do not want to speak, probably the Hon. the Leader of the Opposition will wind up the debate now. But if there are some members who specially request that they may be allowed to speak to-morrow, of course, hon. Members on this side will accommodate them and Mr. Jogiah will speak in the meantime."

* Mr. PRESIDENT :—" Do hon. Members wish to continue the debate to-morrow also? "

Some Hon. Members :—" Yes."

The Hon. Mr. C. RAJAGOPALACHARIAR :—" As far as my personal knowledge goes, the Rt. Hon. Srinivasa Sastri would like to speak to-morrow as he is not quite ready to-day. For him we must accommodate. If there is nobody else wishing to speak to-morrow, we may just finish to-day after half an hour. Mr. Jogiah will speak in the meanwhile.

Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur :—" I am prepared to speak to-morrow."

Dr. Sir K. V. REDDI NAYUDU :—" I may request to be allowed to speak to-morrow."

* Mr. PRESIDENT :—" In that case, Mr. Jogayya will now speak."

* Mr. V. V. JOGAYYA PANTULU :—" Mr. President, Sir, I rise to offer my warm congratulations to the Hon. the Premier, though I belong to his party, and whatever congratulations I offer him, are really congratulations to myself. There is no doubt that the budget presented is an exceedingly good budget. In the words of a daily newspaper of this place, the Prime Minister has made a brilliant new record on budget presentation and has imparted a tone of literary flavour to a theme which was generally expected to be dull and uninteresting. It is no exaggeration to characterize this budget as a

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poor man's budget. It is appreciated and received with great enthusiasm and satisfaction both by the press and the public. No doubt there is some carping criticism from a few of the Opposition party and that too appears to me not whole-hearted. Though in form the present budget is the same as the previous ones, yet in spirit and substance it runs on different lines. The chief noticeable feature of the budget is that it maintains a stable equilibrium between revenue and expenditure. This is the result of both economy carefully effected, and of extraneous circumstances. Speaking of extraneous circumstances, though there was a windfall, as described by our opponents, in the shape of assignment of income-tax contribution from the Central Government yet there is no doubt, there are also items which have contributed to the surpluses which were already mentioned in this House, such as electrical undertakings, increase in excise revenue and gains under forests, registration and motor vehicles. But it is not to be forgotten that surpluses in the budgets generally are attributable to extraneous circumstances. It is, therefore, unjust on the part of our political opponents to belittle the able and admirable budget produced under very difficult and extraordinary circumstances though the Ministry has been in office for only eight months now. I am glad, however, that impartial critics have congratulated the Ministry on the lots of savings effected by careful economy. It cannot be denied, Sir, that in the matter of savings, wise discretion was used.

" Reductions in the salaries of officers was one of the methods adopted. This was, I submit, done without inflicting great hardships on officers. Existing salaries of the incumbents of various posts have not been touched, though they would be affected when they are promoted to the new grade. It was said that this would affect the efficiency of the services and would not keep them above corruption. It is not a few rupees more or a few rupees less that would lead to temptation. Temptations depend on the conduct and the character of the officer concerned.

" Other methods adopted to secure savings were partial substitution of paid medical men by honorary officers, partial abolition of the exodus and conditional releases of convicts and the like. Criticism was levelled against every one of these points by those who are interested in opposing the budget as party men. I am glad, however, that no impartial critic said that these savings were not secured with care and discrimination.

" It was again said that in spite of election pledges and the like, nothing was done for the agriculturist. They say that the agriculturists still continue to be in the position in which they were when the Congress party accepted office. Lie direct has been given to it by what the Ministry has done within the last eight months. The remission of 75 lakhs granted last year is continued this year also. The Debt Relief Bill which is pending the assent of the Governor-General and which would do a lot to the peasant by way of scaling down debts

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and wiping off of interest and arrears, was passed by the House. A sum of 50 lakhs is provided in the budget out of the loan to the raised to help the small agriculturists to enable them to pay off their debts and enjoy the benefits of the provisions of the new Bill.

"A Committee has been appointed to remedy the grievances of the zamindari tenants. Again, Sir, the question of how to relieve the burden of land tax is under consideration. In these circumstances, it is most unreasonable to say that the Congress Government has done nothing for the peasants.

"Again, Sir, it was pointed out by our critics that it is wrong to burden the province with additional loans. But it must be admitted that loans to be contracted were not done in a hasty and haphazard manner or in a thoughtless manner, but after deliberation for utilizing the same for purposes of undertaking improvements which are of a remunerative character and for nation-building purposes. I do not wish to make further remarks on the Budget especially after the grand speech made by the Hon. the Prime Minister dealing with all the objections that have been raised. I would therefore conclude my general observations with the remark that under the Congress regime, the assets shown would exceed the liabilities of the province by a larger sum than in the previous years, that the Prime Minister has sought to increase the resources and put them to proper use and that the Budget proposals prove beyond doubt that the Congress Ministry even within the short period of its office has succeeded in carrying out a policy which was demanded by the nation and which the Congress Election Manifesto has given expression to.

"I shall next pass on to the few wants of the constituency which I have the honour to represent in this House. My object in doing so is not by way of criticising the Government, but to request the Government to give early consideration. The constituency which I represent is the Vizagapatam district. It is a poor district. In most parts of the district rains are scarce, rivers that exist are small and generally there is no abundance of water. Dealing with irrigation, I am sorry to say that nothing has been done to improve irrigation facilities in my district. It contains a large number of small channels or geddas and a very few rivers, in addition to a large number of tanks which are in great disrepair. There was a talk for over a generation that the river Nagavalli would be utilized for supplying water to the tanks for a part of the district. Some plans were prepared and hopes raised in the minds of the people that this project would soon be an accomplished fact, but never was this done, except that at times of provincial legislative elections, men in office standing as candidates for legislative elections made the D.P.W. measure, during election time, some lands raising hopes in voters that the candidate in office if he is returned would get the scheme completed soon. While several irrigation schemes were completed in other districts of the province, this particular project—the Nagavalli Project has not

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been taken up. I request the Hon. the Minster in charge of Public Works to see that this project is taken up without any more delay as it would also be a remunerative project. I suggest that a portion of the money to be borrowed may be utilised for this scheme as it will also pay.

"Another matter to which I wish to invite the attention of the Hon. the Minister for Public Works is about the repairs to the left flood bank of the Bahada river near Ichapuram extending up to Edupuram village limits in Ichapuram taluk, which was washed away by the cyclone in the year 1923. As a result of this damage 200 acres of land under its ayacut are being yearly damaged and 100 acres of land have been sandcast by the floods in the river. Ryots frequently petitioned the Government for the construction of the flood banks. In 1936, there was even a cut motion on this subject and it was carried and yet the bank has not been repaired. I hope that at any rate this year some provision will be made in the budget and that the repairs would be undertaken as soon as possible.

"In my district as in some other districts, there are a number of tanks in great disrepair. It was hoped that the Tank Restoration Scheme of 1878–80 for repairing tanks and restoring them to good condition would give some relief. It is however unfortunate that the scheme had a very chequered career. I respectfully request that this scheme be revived early and that the execution of the repairs may be undertaken without any more delay.

"Another thing which I am bound to mention with respect to my constituency is this. Since the Debt Relief Act is likely to come into operation soon, it is necessary that the poor ryots should get some relief so that they may be enabled to get the benefit of the Act by paying their debts. Out of the sum of 50 lakhs that the Budget propose to give to the ryots under the Special Loans Scheme the ryots in my district should be enabled to raise loans through the land mortgage banks. For that purpose, I appeal to the Co-operative Department to establish some more land mortgage banks in places like Ichapuram-Somepet area and in Palacole, in addition to the land mortgage banks that now exist.

"Last though not least of the wants that I wish to place before this House is in respect of the town of Chicacole which is within my own constituency. It suffers for want of pure drinking water supply. In spite of the fact that it has a river and a number of wells, the water in the wells is brackish and the river water is not useful for about six months in the year on account of the freshes. There was a proposal for wells to be dug in the river-bed for supply of drinking water so that the grievance of the people for pure drinking water might be redressed. I request on behalf of the people of Chicacole that this evil should be soon put an end to and pure water-supply be made available soon.

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"One other matter of which the Chicacole people have been complaining is this. Chicacole has two civil courts, one the District Munsif's Court and another, the Sub-Court, which was recently established. There is no separate accommodation available for the Sub-Court. The Sub-Court has been placed in the premises of the District Munsif's Court, which is a type-designed building. You can imagine the difficulties of the litigants and vakils and others when the two courts are housed in one and the same building. Several representations have been made to the Government. Ministers too have visited the place during their tours, and yet nothing has been done in the matter. As matters stand at present, for vakils other than those who are actually engaged in court, there is not even standing room in the premises of the court. I therefore request the Minister for Courts and Prisons to take note of this and direct the construction of at least a temporary building so as to provide enough accommodation for the litigants and vakils.

"Dealing next with the Medical Department, I wish to say a few words. The Minister for Public Health deserves our congratulations for having removed all sorts of class distinctions in the medical profession. A reform of this kind was introduced about ten years ago in the Department of Law. There was before, several classes of practitioners, such as pleaders, vakils and advocates. There were examinations to enable persons to qualify themselves to these various classes as there are at present in the department of medicine. This distinction is now removed and one class, namely, advocates, has been retained. Only for the two lower grades of practitioners, a time limit such as practice for a number of years at the bar was prescribed to raise them to the status of advocates. I do not know if any such proposal exists with regard to placing all medical practitioners of a certain standing on a par as was done in the legal profession. I appeal to the Hon. Minister to consider whether this cannot be done.

"In this connexion I would place before the House a few facts and figures. The statistics of unemployment collected about a decade ago by Col. Megaw show that there was the problem of unemployment in the medical profession, and on this account some were having chemists shops and some were even less happily placed, being employed as bus conductors. There was, however, no unemployment among women L.M.Ps. This shows that there is greater need for women L.M.Ps. who generally confine their practice among women than men L.M.Ps. Statistics also show that in spite of this need for greater number of women L.M.Ps. the supply of women doctors to give relief at least in maternity cases in rural areas is far too low compared to the number of men doctors.

"From the Report of the Director of Public Health we find that while in this Presidency there is one male doctor to look after twenty thousand men, women and children per annum treating various kinds of diseases, there is one woman doctor for seventeen thousand maternity cases alone in rural areas. This shows that the need for women

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doctors in maternity cases and other female diseases is far greater than men doctors in the country. It is therefore a matter for the serious consideration of the Government as to how to increase the number of women doctors. One method suggested is to decrease the number of admissions for men students in the proposed new college Stanley Medical College—and have more women students there or have this new college reserved entirely for women, and fill the vacant seats in the Madras Medical College due to the transfer of women students to the new college with men students.

"Another suggestion is that while closing L.M.P. course for women, the training should be continued for women for a while until you have enough women M.B.B.S. to take their place.

"The only other thing which I would suggest in conclusion to the Hon. Health Minister is this. I request him to encourage other systems of medicine such as Ayurveda, Sidha, Unani and Homœopathy in this country, for there are a large number of people who believe in these systems. With these few words I request the Ministry to take into consideration the grievances I have placed before them on behalf of my constituency and redress them at an early date."

IV.—STATEMENT *RE* CHANGE IN THE DATES AND HOURS OF SITTING.

* Mr. PRESIDENT:—" I may inform the House that the Chair is willing to extend the sitting hours of the House to two o'clock if hon. Members are anxious to speak. I am prepared to extend it both to-day and to-morrow. (After a pause.) As there are no members ready to speak, I have to announce that originally the 10th and 11th March 1938 were allotted for the consideration of the Madras Motor Vehicles Taxation (Amendment) Bill and the Madras Traffic Control Bill as passed by the Assembly. As it is now understood that the latter day is not convenient to a number of members, I have to announce that there will be no meeting of the Council on that day. If the consideration of the Bills is not concluded on the 10th March, it will be resumed on the 22nd March."

The Hon. Mr. C. RAJAGOPALACHARIAR:—" May I make a suggestion, Sir? Unless hon. Members are anxious to take part in the debate, it is quite probable that the business will be finished early. So, may I request you, Sir, to consider whether it will be possible to take up the Government legislative business one day earlier, so that we may be sure of finishing the work on the 10th? "

Mr. S. K. AHMED MEERAN:—" I don't quite follow the Hon. the Premier."

The Hon. Mr. C. RAJAGOPALACHARIAR:—" My suggestion is this. The announcement just made suggests that the official work for the transaction of legislative business fixed for the 11th instant may not be taken up on the ground of inconvenience to hon. Members. We may perhaps advance the date to the 9th instant after the budget discussion is closed, in which case, we may have part of the 9th and

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the whole of the 10th at our disposal, and we may be sure of finishing the work on the 10th, for as things stand, we might save some part of the 9th."

* MR. PRESIDENT :—" It is entirely left to the House. If the work is finished early, it may be taken up."

THE HON. MR. C. RAJAGOPALACHARIAR :—" Anyhow if it is permitted now to put it up in the agenda of the ninth, it will serve my purpose."

MR. S. K. AHMED MEERAN :—" I hope it will not be hustled on that account."

MR. PRESIDENT :—" The Chair is prepared to sit even to-day till five o'clock."

THE HON. MR. C. RAJAGOPALACHARIAR :—" I am sorry how such an impression is possible as already we have to canvass for speakers."

* MR. PRESIDENT :—" The Council stands adjourned till 11 o'clock to-morrow."

V.—PAPER LAID ON THE TABLE OF THE HOUSE.

Notification appended to G.O. No. 528, L.A., dated the 15th February 1938, amalgamating the District Boards of Vellore and Tiruvannamalai.

THE MADRAS LEGISLATIVE COUNCIL.

Tuesday, the 8th March 1938

The Council met at eleven of the clock in the Council Chamber, Fort. St. George, Mr. President (THE HON. DR. U. RAMA RAO) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Medium of instruction for several communities in South Kanara in elementary and lower and upper secondary schools.

* 54 *Q.*—MR. J. A. SALDANHA: Will the Hon. the Minister for Education and Legal Departments be pleased to refer to his answer to starred question No. 80 given on 28th September 1937 and to state—

(*a*) what language has been prescribed for the medium of instruction for the several communities in South Kanara whose mother-tongue is (i) Tulu, (ii) Konkani, (iii) Malayalam and (iv) Kanarese in elementary and lower and upper secondary schools;

(*b*) whether representations have been received from any associations or individuals in South Kanara on this question of language for the medium of instruction; and

(*c*) what orders have Government passed or contemplate passing on the subject?

THE HON. MR. S. RAMANATHAN on behalf of the Hon. Dr. P. Subbarayan:—" (*a*) The present position is as follows:—

According to the rules framed under the Madras Elementary Education Act, 1920, instruction in elementary schools should be imparted in the mother-tongue of the pupils. Rule 92 of the Madras Educational Rules requires that the mother tongue should be adopted as the medium of instruction in Forms I to III of secondary schools unless the District Educational Officer's permission is obtained for adopting a different language. Option has been given to managements of schools to adopt the mother-tongue as the medium of instruction in non-language subjects in Forms IV to VI.

The Government have not prescribed any particular language or languages for any school or area. The choice of language is left to be made by managements with reference to local needs and the ability of the managements to provide instruction.

" (*b*) & (*c*) A representation has been received from the Catholic Association of South Kanara. It proceeds on the assumption that the Government propose to 'enforce the use of the official, provincial or district language as the medium of instruction in

schools.' The representation will be given full consideration in any scheme for the compulsory use of the mother tongue as the medium of instruction in secondary schools."

MR. J. A. SALDANHA :—" May I know how many mother tongues there are in South Kanara? ".

THE HON. MR. S. RAMANATHAN :—" I may refer the hon. Member to the reply given to a previous question on the subject which the hon. Member himself put. There are, I think, four mother-tongues."

MR. J. A. SALDANHA :—" May I know whether it is the intention of the Government to inflict any of these mother-tongues on pupils who do not know them? "

THE HON. MR. S. RAMANATHAN :—" I may say, Sir, that I have already stated that there is no proposal to inflict any language upon the pupils. The mother-tongue is the language of the pupils; so if a particular mother-tongue is employed in giving instructions, it must be the language already spoken by those pupils."

Government's policy in regard to the homœopathic system of medicine.

* 55 *Q.*—MR. J. A. SALDANHA: Will the Hon. the Minister for Public Health be pleased to state whether and how far the Government have decided or are disposed to recognize the homœopathic system of medicine for use in their own hospitals and allow it to be used in the hospitals under the control of local bodies?

THE HON. DR. T. S. S. RAJAN :—" The Government do not propose to recognize the homœopathic system of medicine and introduce the homœopathic system of treatment in their hospitals at present. They have already permitted certain local bodies to open and maintain homœopathic dispensaries from their own funds."

MR. J. A. SALDANHA :—" May I enquire whether Government have satisfied themselves that the homœopathic system is not a scientific system which has been accepted in many parts of the world? "

THE HON. DR. T. S. S. RAJAN :—" Government certainly do not subscribe to that proposition."

MR. M. NARAYANA RAO :—" May I know whether Government do not consider the homœopathic system of medicine as a scientific system? "

THE HON. DR. T. S. S. RAJAN :—" That is a matter of opinion."

MR. M. NARAYANA RAO :—" May I know whether Government are aware that it is a much cheaper system than the allopathic system of medicine? "

THE HON. DR. T. S. S. RAJAN :—" Probably the hon. Member knows better about it than I do."

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MR. J. A. SALDANHA:—"May I know which of the local bodies have been authorized to open homœopathic hospitals within their areas?"

THE HON. DR. T. S. S. RAJAN:—"I want notice of that question."

UNSTARRED QUESTION

Complaints about the system of remodelling in Eastern division of Kistna delta.

31 Q.—MR. K. P. MALLIKARJUNUDU: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether the Government received any complaints from the cultivators about the existing system of remodelling in the Eastern division of the Kistna delta, and if so, what steps the Government are going to take to remedy the grievances; and

(b) whether any proposal was ever made to shift the source of the Ellore canal, a few miles above the Bezwada anicut, and if so, whether any investigations were made in that behalf and what are the results of such an investigation?

A.—(a) The answer is in the affirmative. The Chief Engineer for Irrigation has been requested to instruct the Executive Engineer to attend to the complaints personally as far as possible and to submit a report to Government as to the action taken in the matter.

(b) The Government have no information but have called for a report from the Chief Engineer for Irrigation.

[*Note*.—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

II.—GENERAL DISCUSSION OF THE BUDGET FOR 1938-39—*cont.*

*MR. PRESIDENT:—"The House will now resume the general discussion of the budget."

THE RT. HON. DR. V. S. SRINIVASA SASTRI:—"Mr. President, I ask leave first of all to congratulate the Hon. the Finance Minister on the budget that he has produced which is neither ambitious nor spectacular—a virtue which is, in my judgment, of a somewhat doubtful nature. It has the great virtue of being moderate and of showing commendable continuity with the previous budgets, especially the last one under the previous Government. If I may say so, it is a true child of the former budget of this very Government. Its lineaments are the same; its character is the same.

"I ventured to say on that occasion that if the Government only gave drinking water to the people in the villages and saved them from the drink habit, they would, even if no other achievements stood to their credit, have earned the gratitude of the people. These two points and several others find full expression in the current budget. The

provision for water-supply is particularly worthy of commendation. The Government have adopted an expedient by which they propose to create a fund to which from time to time payments will be made and which will therefore stand above all the hazards of the year's budget.

"As to prohibition I have only to say that I have watched the reports that come from Salem with the greatest pleasure. The attempt seems to have been a success almost beyond expectation and I believe that Government is fully justified in extending the system and I am happy to think that they are doing so cautiously; for although so far no such loss has resulted from the operation of prohibition, it is still necessary to anticipate loss in the future and if we spread this measure over a large number of years, we shall be able continually to adjust our expenditure to this necessary loss.

"I have next to say a word about a feature of the budget that has been in some quarters subjected to adverse criticism—I mean the desire of the Government to borrow in the public market for certain enterprises. The items mentioned in the budget are of a kind which it seems to me fully justify borrowing and as Government's assets are good I do not see why they should allow time to go by without taking advantage of the present situation. After saying so much, perhaps I shall have established some credentials for indulging in some criticisms. My criticisms, however, will be friendly and I would ask the Finance Minister to remember that in another place he made use of these significant words:—

'I want the utmost use to be made by the intelligent, capable and well-informed Members of the Opposition or anybody else of every opportunity to find fault with us. I do not want them to make improper accusations of the kind made.'

"Sir, it is not my idea to make any improper accusation of the Government, nor do I think that I shall be entitled to come under the description of an intelligent, capable and well-informed person, but I have good intentions and I think they are sufficient substitute for these admirable but very rare qualities.

"I will then say a word or two by way, I hope, of being helpful to the Government. The first word I should mention is about the 50 lakhs of rupees which Government propose to give in order to assist by means of loans those agricultural debtors whose debts or liabilities ar to be scaled down under the Act passed recently.

(Here the Right Hon. Member in answering an informal interruption said) "What happens in a court of law is not as a matter of course. As my hon. Friend knows very well, court of law is a thing where uncertainty reigns supreme.

"I should like, Sir, to say that although I was amongst those who vigorously resisted that Bill as it passed through this House,

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now that it has become law or is about to become law, I think we ought to assist hereafter in the regular working of the machinery that has been set up, by way of offering a good and well-meant suggestion. May I ask the Government what they intend to do? Rupees 50 lakhs, although inadequate for the purpose in view, is a considerable slice of the financial resources of this province, and it is, I think, well to inform the public of the particular schemes which the Government have in view, which is the machinery through which these loans would be advanced and what guarantee will be taken to see that the moneys advanced are really spent in the payment of the loans in respect of which they are made. These are points, Sir, about which the public would anxiously look for some information.

"I wish to say a word about the services. I am very glad to think that the salaries of those who draw below Rs. 100 have been left untouched in the recent retrenchment. But there is a suggestion which I should at this point like to make, as I see no provision for it at all in the Budget. Our complaint in this country as regards the salaries and their scales have been two-fold; on the one side, rather at one end of the scale, the salaries were too high-pitched. For a great many years the representatives of the tax-payers in the various legislative bodies in the land have cried out against these excessive salaries and asked for retrenchment. This Government for the first time has had the courage to cut down these excessive salaries. I wish to say no word about the manner in which that has been done; but another side of the criticism always has been that at the bottom of the scale, the salaries are a good deal too low—in millions of cases below what we should regard as very necessary for honourable subsistence. The case of village officials, Policemen, village schoolmasters, postal runners, peons, chowkidars and so on, has always been placed before the authorities for consideration. Sir, it is notorious, as notorious as any official fact in this country, that the class of people whom I have named, are all leading lives of comparative suffering. The remuneration that they get for their services is much too low for the maintenance of themselves and their families which often are larger than the families of those who are better placed in life. They are therefore obliged to adopt means for eking out remuneration which we should not ordinarily commend. Officials of all grades know these facts. Government know them very well, and yet no steps have been taken all these years to improve the lot of these people, so that they may be able to lead lives of comparative ease out of the salaries paid to them. I think, Mr. President, this demand is one of the very urgent ones connected with the Services, to which the Congress Government should pay attention. If they have not hitherto paid attention to it, I suppose it is because they are pre-occupied with matters that press more heavily on them. But as soon as ever an opportunity offers, I should commend this class of officials to the sympathetic consideration of the Government which employs them and which is bound to see that they are able to maintain themselves and their families, not necessarily in

luxury, but in ordinary comfort without having recourse to practices which any civilized administration should condemn and seriously discountenance.

"I come next to the remissions of land-tax about which there has been a good deal of public discussion. To the extent of Rs. 75 lakhs during the last two years the land-tax has been remitted. But one feature of it is that it is a remission which has been granted year by year. The contention of those concerned is that the relief should be permanent and well-defined, placed beyond the hazard of change. It is a relief, Sir, which the land-owning class has cried for, and I believe, with every justification, for a great many years. It has been granted tardily, but I hope it will be made secure. The request that has been made is now pressed with great force, because in a communique which the Government issued in December last year, after describing the nature of the remissions, they went on to say that 'the distribution of Rs. 75 lakhs remission must not be regarded as any indication of the shape which the ultimate land revenue policy of the Government will assume.' These are words which are not calculated to reassure the class supposed to be benefited by the remission. I hope something will be done very soon to announce the policy of the Government and place these remissions on a permanent basis, so that the land-tax will be lowered permanently so as to be within the capacity of those that have to pay it.

"Next, Sir, I have to mention a matter which is only indirectly alluded to in the Budget; and that is, the uplift of the rural population. We all say that they form the backbone of the country and every one vies with the other in asking that before any other demand in the country is met, the needs of these poor and helpless people should be satisfied. I suppose no one can claim that he is any more enthusiastic in the matter than others. Some have more power to advance the cause than others, while some have a greater inclination to do it than others; but I believe it will be generally granted that this is the point which deserves precedence before almost anything and everything, unless it be the immediate needs of Government themselves. How could this come about, is a problem which has taxed the wisest of us and I believe defied the wisdom of the wisest amongst us. Various and varied are the suggestions that are offered. One I should like to bring to the notice of this Government, although I am sure they must have known it already. The chief difficulty in respect of these village populations is that they are mostly illiterate, ignorant, not even aware of how to make the advance necessary and they therefore need an enthusiastic human agency, some missionary help. That agency is not yet at their disposal to-day. The village officials are hardly fitted for the task of breaking down illiteracy, of teaching people higher standards of life, of opening their eyes to such things as the knowledge of the outside world, and what are called simple enjoyments, and, generally speaking, to make their lives truly worth living.

I know the Prime Minister and others have in their minds the employment of an agency which will not be saddled with the vices of official agencies, but will, on the contrary, be equipped with the missionary zeal that is necessary for the purpose. An agency of that kind is perhaps beyond the capacity of ordinary people to create. But even that agency may be within the competence of the Congress Ministry. I make a special appeal to them, because they are equipped by their character, by their sacrifice, by the utter devotion with which they devote themselves to the cause of the poor, they, I say, seem to be admirably equipped for the task of inspiring and sending abroad an educated, well-equipped, agency for this purpose. May I commend this particular point to the attention of the Prime Minister and His Honourable Colleagues? Will they pay some of their own personal attention to the question of creating and arming this agency with the necessary weapons of warfare against the evils of illiteracy of our villagers? Some months ago, at the same time that our half-year's Budget was last produced by the Prime Minister, there appeared details of a Budget in another province, the United Provinces, in which one found very weighty words which I shall take leave to bring again to the notice of this House.

'It is proposed to have a new scheme of rural development and to employ in every district about five or six persons imbued with a real spirit of missionary service and endowed with zeal and passion for the cause and with sufficient energy and commonsense. They will be paid a small subsistence salary, and these members of the rural development service may be trained in cottage industries which may be suitable for their respective local areas, in elementary methods of agricultural development and farming, public health and hygiene and so on. They will also promote the formation of joint-stock societies to which Government would give grants directly and loans through the credit company for various purposes connected with rural development, such as the improvement of communications, water-supply, cottage industries, seed stores, demonstration farms, breeding of cattle, distribution of medicines, small libraries, physical culture, and so on.'

"This quotation, Sir, brings before us a vision of glory; but it 11–3 a.m.
seems exceedingly difficult of attainment. As I said before, if there is the smallest chance of this being attained even in part, it is only if my friend will give his heart and attention to the question. There are hundreds of thousands of young men who, if they are only touched by the magic wand of inspiration that he seems to wield, will respond and flock to this service. If necessary, we might send them to Wardha for some little apprenticeship. Let them give six men to each district. It is not such a large force after all and even if the experiment in the first stages meets only with partial success or even with doubtful success, the money is well-worth spending. It is not such a large sum that the Finance Minister can say properly, 'I cannot find the money.' As regards the moral and spiritual side, which is far more difficult

than the material side of their activities, it is not for me to say how precisely the difficulty is to be overcome. The villages into which this new blood is poured will be able to look after themselves and then having an autonomy bestowed on them by way of management of schools, forest areas, hospitals and dispensaries, etc., they may be charged further more with those high tasks which Mr. Prakasam dreams of entrusting to them. But at present, these ideas seem to me to be chimerical beyond words. They fill me with the greatest possible alarm and I cannot imagine the mischief that will be caused by clothing the autonomous villages with powers such as he contemplates. If the villages are prepared in one generation or two by the missionary agency which I can envisage, it is possible then to think of giving them the power to collect the revenue within their area utilize appropriate portions of it to their own area and then hand over the balance honestly and regularly to the custodians of the higher reaches of Government. Till then the less said about these great powers the better.

" We come now to a very important development in the economics of our province. Our province has been during the last few years developing with marvellous quickness the power of electricity. It is being brought, thanks to the enterprise of the previous Government and of this Government, to areas which about ten years ago would never have dreamt of being placed in possession of this admirable facility. So far, lighting seems to be the chief use to which electricity has been put. There may be some small industries in favoured areas which have been able to use it for industrial purposes; but otherwise there seems to be a complete lack of industrial purpose to which electricity could be properly employed as it is in other parts of the world. Those who are very keen about rural uplift would be glad if any project is started which would connect electric power with the means of advancing small industries. The situation with regard to cottage industry was investigated in this country some years ago by an officer of Government and if hints were to be taken from his report for the purpose of starting industries with the help of electric power which is being abundantly brought to the doors of the villages, I think some thing could be done which will mark a very great and important step in the economic life of our province.

" I cannot survey the whole field of education much as I would like at the end of the speech upon the debate. There are two or three observations which as one who is deeply interested in educational problems I may be permitted to make. These questions have recently been engaging the attention of the Government and certain members of the public have been exciting themselves almost to fury in discussing these problems. The question of the introduction, for instance, of Hindustani in schools has called for an expression of alarm and indignation which seem to be utterly uncalled for and to be greatly and gravely exaggerated. Luckily our Government seem to have been somewhat impressed by these fears however unfounded in their judgments they

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were; and I think that I ought to compliment the Government upon the way in which even when they think those criticisms to be absolutely misguided, they are willing to pay attention to it if it is sincere and if it is strongly pressed. Possibly out of a desire to respond to this somewhat ill-judged criticism, they have made this an experimental measure in certain selected schools. I think it is a moderate step and the results will, I think, be amply justified and Government may hereafter have no fears about its success, see that it is by no means productive of the harm which is being prognasticated and will be able to push forward the scheme.

"The same might be said, although not on my part with the same unreserve, about the Wardha scheme. This scheme seems to have caused a good deal of disquiet among educationalists whose competence and responsibility nobody could question. The Wardha scheme it must be admitted struck wholly new grounds and sought to introduce revolutionary ideas into one of the deepest and most intimate departments in the national life of the country—I say nothing about those ideas themselves. But it is, I think, a fact that education, like marriage or property, is one of those institutions which take the deepest possible roots in the national life and anything which threatens to upset the system by which we bring our succeeding generation to take our place, is apt to be viewed with a good deal of hesitation and even alarm. I hope that the members of the Government, however much they may be committed in their mind to the development of this scheme, would pay some heed to the very natural disturbance in the hearts of the people for whose children they are responsible. I think that moderation and restriction in the operation of this scheme is called for. In this measure there is no need for any special hurry and I would urge the Government to note one or two points. One feature of the Wardha scheme at first widely advertised was the self-supporting character of the scheme. Slowly somehow this feature seems now to have receded into the background. You do not hear so much of the self-supporting character of the scheme from the advocates of the scheme. In fact even the Haripura Congress in its resolution seems somehow to have dropped it. To assure the House that I am not drawing on my imagination. I shall read a few lines of that part of the Congress resolution which says—

'The Congress is of opinion that for primary and secondary stages, a basic education should be imparted in accordance with the following principles :—

(1) free and compulsory education should be provided for seven years on a nation-wide scale ;

(2) the medium of instruction must be the mother tongue ; and

(3) throughout this period education should centre round some form of manual and productive work and all the other activities to be developed or the training to be given should, as far as possible, be integrally related to a central handicraft, chosen with due regard to the environment of the child.'

"No mention about the self-supporting character of the scheme is to be found in the operative part of the Congress resolution, and I

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am confirmed in this impression by what the Finance Minister stated in another place. I think the Prime Minister will remember that speaking about this scheme, he referred to its being less and less *expensive as it reaches its culmination*. He was apprehensive that it might be expensive at the commencement but that as it matured, he felt sure that it would, comparatively speaking, become unexpensive. He did not go so far as to say that it would support itself, all of which go to show that the extravagant hopes indulged in by the powerful advocates of this scheme are not the property of those that discuss the matter.

"I will add, under this head, only one word. I commend, as in the case of the Hindustani matter, the contracted sphere within which
1-45 p.m. the Government propose to introduce the scheme; they are going to choose one favourable school in each district and try the Wardha scheme upon the pupils that come to that school. It is an experiment, it seems to me, which it is desirable to make, before further steps are taken. Only, I would make one respectful suggestion. Whenever he spoke of prohibition at our last meeting, he was unwilling that any one should refer to the Salem measure as an experiment; experiment, he abhors it. He said, 'No, I am only giving it a start there; it is not an experiment; I am going to see it will succeed in trial; we will go round the other districts of the Presidency; I am very confident as regards prohibition.' Perhaps because it is his own district, he hopes to be successful. As regards the drinking of toddy, all abhor it as a heinous vice and it is well-known to be a vice. Drinking is a sin, a cardinal sin according to him; that is the view of some of us and it is the sense of the general humanity. When he was dealing with that, he was every moment picturing to himself the poor woman, the mother of children and the wife of a harassing husband who is faced with the problem of finding food and clothing and the necessary comforts of even a low standard of life for those dependent upon her. I, Sir, was one of those deeply touched by the way in which he took this to his heart, and always brought it before us, when he advocated prohibition; he has succeeded well and we will congratulate him and promise all help to him in, what I might, with impunity, call, his experiment in this direction.

"But he must allow us to request him to regard the Hindustani measure and the Wardha scheme measure as a real and genuine experiment, the results of which he ought zealously to watch—as zealously as any of us on this side. Let him not think that the present system of education is a sin like toddy and let him not ridicule it in that way. This experiment of our education has descended to us from a long time; it has been dear to us and has produced results which, I can afford to hold up to the admiration of any educational agency in the world. If he wishes to make changes in this system of education, let him only try them as an experiment, so that he must from time to time allow people to visit and watch the work of these chosen schools and

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must take the public continuously into confidence as to the results of this programme.

" One last word. In speaking in the other House upon Muslim education, the Finance Minister indulged in sentiments which I desire to hold up to the gaze of all persons concerned. He said Muslim education is the need; ' if only the money can be carefully and judiciously spent, I am prepared to give anything to the Muslims ' he said. I shall present it in his own words; he put it upon this ground. He looked forward to the destruction of the demon of the communal spirit amongst us, through the agency of a liberal education to the community which is deficient in liberal education in a conspicuous degree; the Prime Minister seems to be of that opinion and I agree with him. A community placed in that unfortunate position becomes easily scared away by communal considerations. There is no remedy that we can think of to strike this evil at its roots so surely as a system of education that will be provided and continued through a number of persons who would teach them. I will now permit myself to read the words in which the Finance Minister couched this admirable sentiment. The prolixity of the language which the Prime Minister was using commended itself to me. He says:

> ' If I can, I would spend money like water for Muslim education, because I have a conviction that it is only Muslim education that will solve the communal problem. The more we spend on the education of communities that have got this communal complex, the better we will do . . . I accept the suggestion that we should spend more and more for Muslim education, if we can, like water, because this is the best nation-building programme that could possibly be launched by the Assembly.'

" He went on to talk upon another topic:

" He was coming back and he said:

> ' This is not my own statement. I have been advised definitely and I speak for the Congress and on behalf of the whole of my party. I say it is necessary for the nation-building that we are out to see and achieve in our life-time if possible.'

" Now, Sir, I whole heartedly commend these noble words and not only with respect to the Muslims, the Indian Christians, and other minority communities. I commend the words also to the majority. If liberal education has this ennobling effect, it must have upon all. No community, however large it may be and however advantaged already it may be, can afford to neglect this higher aim of education. On the strength of this highly rhetorical passage I read to you, I would now beg leave to commend to the Finance Minister and to his hon. Colleagues in the Ministry, the cause of this higher and liberal education which he has himself dealt with so eloquently in the other place. But I find, Sir, that in the budget placed before us, there is not an extra rupee allotted to the progress of higher and liberal education. Universities and secondary schools are somehow or other bidden to manage with the resources that they already have; nothing more is given to them; no further secondary school is to be opened and no college of any kind is to be started or helped. I should think, Sir,

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that this is the unfortunate method of putting into force such an exalted sentiment as I have just now read to you on the authority of the Finance Minister.

" Mr. President, I have come to the end. I shall just say one thing. If further steps cannot be taken to spread higher education, the Ministry ought not, at the same time, deny such help as the existing schools already stand in need of, and are even encouraged to expect. There are institutions which now stand in sore need of help without which they cannot get on. I do not think, Sir, however sharply the scissors might be applied in this affair, they should be so applied as to deny the fulfilment of expectations already created. I know of at least one school which has already received a kind of a promise from the Government. There is no provision even for the fulfilment of that promise. The Prime Minister has just now very kindly reminded me of one provision he has made. There is a provision in the budget for a grant of a little over Rs. 3 lakhs to the Pachaiyappas College's building of a new structure. That is one silver lining in the generally gloomy cloud. With that exception, Sir, my remarks stand and I commend them to the Finance Minister and I beg of him not to close his heart to appeals by which he is generally touched."

* Dr. Sir K. V. Reddi Nayudu :—" Mr. President, Sir, it is rather a difficult job to follow such a great speaker as the Rt. Hon. Sastri. It has been my lot, however, to follow him in certain places. I shall come later on to certain portions of his speech about which I wish to say a few words; I am referring to Hindustani. Before doing so, I wish to make a reference to and to emphasise certain observations made yesterday by our friend, Mr. Reid, whose presence here we all welcome and who is a worthy successor of a worthy Member. The observation he made is this: ' it is the duty of the Opposition and it is the business of the Opposition to oppose.'

12 " We may not all go, Sir, to the length of the late Randolf Churchill's statement. But we can at least accept the position that it is undoubtedly the duty of the Opposition to oppose. We do not oppose for mere opposition's sake. We oppose whenever we feel called upon to oppose or whenever we have something to say contrary to what the Ministers think or say. It may be that we are in the wrong, it may be that the Ministers are in the right, but there is no harm done in showing the other side of the picture. Whether that picture appeals to them or not is not our job. Our purpose here is to the best of our lights to place our point of view before the Government and if necessary to oppose the Government on matters which to us might seem to be undesirable to be adopted by the Government.

" Sir, that being so, anything that comes from us need not be and should not be taken as something hostile, as something born of ill-will or of malice. On the other hand, you should take the charitable view that whenever these people speak from this side they are only performing their duty, just as the menfbers on the Congress benches do their duty whenever they make their speeches. It is possible that on this

side we may not be able to agree to everything that is said on the other side. But what I would like to appeal and urge is that what we say need not be taken as the result of ill-will. Now, Mr. President my esteemed friend the Rt. Hon. V. S. Srinivasa Sastri told us that the Budget is a moderate one. I entirely agree with him. I would even go further and say that so far as it goes, it is a fairly satisfactory Budget. We find, Sir, in this Budget no such things as surprises; we are not to-day perhaps faced with those surprises with which we were faced when the first Budget of this Province was introduced in this House in September last. No doubt Prohibition is still there; and the loss of Rs. 4 crores or the prospective loss of Rs. 4 crores is there and to that I shall refer later. For the present, it is only a legacy or heritage of September last. Now that we leave that out, we have in this Budget some very good things about which a word of appreciation is certainly necessary and desirable. There are several provisions made in this Budget which go a long way in relief of the poor and for which gratitude is due to the Hon. the Finance Minister. The relief works already undertaken in realization of those provisions form a good beginning. The provision of a sum of Rs. 1½ lakhs for rural water-supply is very commendable. About 150 villages will have a well each, and it is a long-felt want and will be a blessing. And then we have got this financial contribution of Rs. 15 lakhs for the Rural Water-supply Fund, a very very desirable thing for which my friend the Leader of this House deserves every credit. My friend has done some other thing for which this country ought to be grateful and that is in the matter of Public Health. He has increased the expenditure by as much as Rs. 14,10,000. When we compare the Budgets of 1936–37 and 1938–39, whereas Rs. 24·97 lakhs was then being utilized for Public Health, to-day we find that as much as Rs. 38,97,000 is provided in the Budget for this.

" Now, Sir, when I praise the Hon. the Leader of this House, let it not be supposed that it is the satanic intention of this Member to create any distinction between Member and Member of the Cabinet and between one Minister and another. But I have felt that a little healthy rivalry amongst the Ministers might be of great help to this country. Each Minister must try his best to get as much as he can for his own subjects with the result that finally an equitable adjustment of expenditure from the revenues might be secured. Nor does it mean, Sir, that I undervalue in any way the extreme fortune of this country in having Mr. C. Rajagopalachariar as the Hon. the Premier of this Province. (' Hear, hear.') Certainly, Sir, I do not yield to anyone in my admiration of him. If I differ from him I will tell it to him as strongly as I can. Let me say again that that does not mean we have no personal regard or affection for him. At times we differ, at times we do not differ; and when our turn comes, we will be in the same position with him.

" Next, Mr. President, let me refer to a few other great things that I find in this budget. It is also gratifying to note that a sum of

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Rs. 11·24 lakhs is provided for ameliorative measures for the scheduled classes. It is an increase of nearly a lakh and a half over the current year's budget. A sum of Rs. 7,700 is provided for broadcasting. This will surely be welcomed by all those who will have the fortune of listening in this year. The reduction of grazing fees by half will be welcomed by all those who send their cattle to the forest, and it is a great victory to the Minister concerned, over the executive. I do remember that this question was raised several times when I was in charge of forests, but let me give the credit to the present Minister that there I failed to convince the Executive."

THE HON. MR. C. RAJAGOPALACHARIAR :—" I submit, Sir, that under the present constitution references to the opinions of the Executive as he calls them, namely, the services, are not strictly in order, because they are bound to carry out the policy of the Government as now constituted and the noting of the office should not be brought in the House."

DR. SIR K. V. REDDI NAYUDU :—" Let me assure the Prime Minister that I yield to none in my admiration of the services. In fact when I was in his place, hon. Members will remember that in my own time I never allowed any occasion on which our officers were attacked unjustly to go undefended."

THE HON. MR. C. RAJAGOPALACHARIAR :—" It is not a matter of attacking officers at all. I submit it is an attack on the Ministers to refer to those officers' opinions. It is not a matter of defence of the service. I say that the noting by the officers or the opinions of the service should not be a matter of discussion in the Assembly. It is not a matter of either defence or attack."

DR. SIR K. V. REDDI NAYUDU :—" I do not see the point. We need not trouble ourselves about this. The reduction of the grazing fees will be welcomed by the people. The money spent on electricity is well worth spending as our electric schemes happen to be a source of great revenue. On the subject of revenue I may indeed ask the Rt. Hon. Mr. V. S. Srinivasa Sastri for a share of the credit in regard to the development activity of the previous members of Government. In my own time as Law Member I was in charge of electricity and I may tell my friend and others that all these schemes that have been referred to in the budget speech of the Hon. the Premier were conceived, were planned then and in fact the whole plan was that the whole Presidency should be given this electric power and light and that no portion of the province should be left without this; and it was with that object that the Bezwada scheme and the Vizagapatam scheme were started actually and even the Papanasam and the Lammasinghi schemes were planned, to which reference has been made. I am one who was associated with the Vizagapatam scheme; all this was fully examined and I am sure they will find in the papers that nothing was left out. It is a matter of satisfaction and even of gratitude that our schemes like so many others were not given up but were continued successfully.

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" Next, Mr. President, I will have to say a word about the surplus budget. I do not care for surplus budgets, in the first place. We save up when all the money is spent; that I consider to be a very good budget and I must say that from that point of view this budget satisfies that test of mine. The mistake about this being a surplus budget is made by a reference to the figures on page 5 of the Premier's Budget Speech. On that page we find in column 3, that the estimated surplus for 1938–39 is shown as Rs. 28·38 lakhs. As a matter of fact however it has been the practice hitherto to include Part II schemes among schemes which are chargeable to revenue. Going further on we find that the Premier has done the same thing. Therefore I do not see it is a surplus budget. It is a well balanced budget. That is my view of the matter. Only there is this difference, namely, the point of which I complained last year in the last budget speech is still there.

" The Premier no doubt has stated that as he has found funds enough to meet commutation of pensions he will debit the expenditure to revenue; that cannot be considered to be a mistake. The mistake was committed in their original budget when they charged the contributions towards the payment of commutation of pensions to capital. That error has been corrected in this budget. It is a very commendable thing which ought to be appreciated; but nevertheless in the coming budget the same mistake has been committed. I call it a mistake. I do not know whether they have obtained the sanction of the Government of India in this matter; I refer to the Government of India in this matter for this reason. You know, Sir, that under the scheme of the Government of India Act of 1935, pensions are chargeable, at least so far as those officers who are appointed by the Secretary of State are concerned, to the revenues of the Government of India. They said that, because the responsibility for the financial stability of this country should be with the Governor-General and not with the Governors. You do not find that provision so far as Part III is concerned. But there are other sections to which I may refer. These sections are section 33 (1), section 78 (9), section 156 and section 247 (5). According to these provisions when once it is chargeable to the revenues of the Government and when the officers concerned whose pensions are to be paid belong to this province, an adjustment has to be made between this Government and the India Government. You know, Sir, the juggler takes a cup, puts a ball in it and puts a cap over it. By some trick he makes the ball come on the other side. It is something like that, the framing of the budget. It is easy enough for the Government to debit this expenditure to revenue. Then Part II schemes might be financed from loan funds. In a way it would be better to adhere to the policy of the Act and see that expenditure on pensions and commutation of pensions is charged to revenue.

" Sir, the budget is hailed as a budget without any taxation. We are thankful to the Government that they have not imposed taxes of a heavy nature this year. But can it be said that this is a budget without any taxation? What about the increase of Rs. 6½ lakhs in the Registration department for which credit is taken in the budget? I consider it is a new tax. So long as the tax is levied on person who are

capable of paying it and is of an equitable nature, certainly the Government are entitled to levy it and they can fairly expect our support in that direction. But the equitable nature of the tax and the capacity of the people to pay it should be the true guides of the Government in levying any such tax.

"Sir, we have been speaking so much about the agriculturists. I do not know whether it is due to the real sympathy of the people who speak about them or whether it is because they possess the voting power to-day and can make and unmake ministries and councils. I submit, Sir, that these agriculturists are not able to pay these new registration fees any more than any other new tax. They are greatly disappointed with the Congress Government. Great promises were made at the time of the election and later on when the Interim Ministry was in power. It was said that the Interim Ministry were not able to do any good to them but that it was Congress alone that could do good to the agriculturists. The key to the position has been touched by my Rt. Hon. Friend when he referred to the land revenue concessions. Sir, these concessions have been in existence for the last four or five years. As for the seventy-five lakhs, that was the figure which was arrived at by the Cabinet of the Interim Ministry. The Congress Government has not increased that figure even by a single rupee. People expected that if the Congress Government came into power they would make more remissions than the Interim Ministers. But where is the change? Secondly there is a gulf of difference between the decision of the Interim Ministers and what the Congress Ministers have done. In that Cabinet decision to which I have referred the Interim Ministry decided that it should not be a mere concession but a permanent reduction in taxation."

THE HON. MR. C. RAJAGOPALACHARIAR:—"Does the hon. Member refer to any Government Order, I should like to know? I do not know what he is referring to all the time as the decision of the Cabinet."

DR. SIR K. V. REDDI NAYUDU:—"If the Hon. the Prime Minister is ignorant of it, I cannot help him in the matter. On the 12th July last the Cabinet met at Ootacamund and decisions were taken on certain things."

THE HON. MR. C. RAJAGOPALACHARIAR:—"Is this in order, I should like to know?"

DR. SIR K. V. REDDI NAYUDU:—"Perfectly in order. In that Cabinet meeting the Government decided that the Marjoribanks report should be accepted in full and that Rs. 7 lakhs should be given to the local bodies to meet the loss which they would suffer on account of that."

THE HON. MR. C. RAJAGOPALACHARIAR:—"I am sorry, Sir, that the hon. Member is going on repeating this. The point of order that I raise is this. I am not referring to the truth or otherwise of the facts mentioned. They can be examined. But what I submit is this. If any Ministry sitting anywhere either in Madras or in Ootacamund, comes to any decision which has not yet been announced as the decision of

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the Government, for whatever reason it may be, any hon. Member whether he was in the Ministry or whether he got the information otherwise is, I submit, not acting properly in making reference to it, because it is not open to this Government now to analyse the facts and put up the reasons why it was not done. These points are not to be discussed. On the other hand if the hon. Member is referring to anything which has become a Government Order, I should like to be corrected."

Dr. Sir K. V. REDDI NAYUDU:—"As for propriety, Sir, I know my business. I do not want the help of the Prime Minister. It is not improper. Be that as it may, I am referring to a thing which has actually happened. Decision was taken and if it is not a Government Order and if the Hon. the Prime Minister thinks that it becomes a Government Order only after it is signed by a Secretary to Government, I cannot help it."

The Hon. Mr. C. RAJAGOPALACHARIAR:—"Sir, I have raised a point of order. Probably the procedure was incorrect and therefore the decision could not be executed. It is why I say that I cannot go into the reasons. If the hon. Member concedes that the decision has not been notified as an order when they were in a position to have it done so, I submit he cannot refer to it now."

* Mr. PRESIDENT:—"Yes, you are right. The hon. Member cannot refer to it."

Dr. Sir K. V. REDDI NAYUDU:—"Sir, under certain circumstances when Ministers go out of office, they have got a right to disclose certain matters. Do we not now see Mr. Eden explaining to the whole world what the policy he pursued is and where he differed from Mr. Chamberlain?"

The Hon. Mr. C. RAJAGOPALACHARIAR:—"I am sorry the analogy is entirely wrong. Of course Mr. Eden is disclosing his policy and likewise Sir K. V. Reddi may disclose his policy. But can Mr. Eden say that the Government decided this and not that?"

Dr. Sir K. V. REDDI NAYUDU:—"I am disclosing my policy which was accepted by the Government of the day but for some reason or other was not published."

* Mr. PRESIDENT:—"As long as it has not been published, the hon. Member cannot refer to it."

Dr. Sir K. V. REDDI NAYUDU:—"I always bow to your ruling, Sir.

"I am pointing out that this concession is a mere concession and not a permanent reduction as we decided that it should be. Now what is the good of this, I want to know? How have they advanced the cause of the agriculturists beyond what we have done? People have been expecting a great deal. Propagandists have gone about and told the people that the Congress would bring a new heaven and a new earth flowing with milk and honey. But the Congress Government have not advanced the condition of the agriculturists beyond what others have

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done. On the other hand there are two things which have not been done. They have not made this reduction a permanent reduction in taxation. It still remains as a concession to be increased or reduced according to the exigencies of the financial position of the Government. Our contention is that it should have been made a permanent reduction. The Government of the day decided that there should be no more resettlements. The statement will be a permanent settlement, with this difference that the rates fixed in 1918 should be reduced by a certain amount and that the reduced amount should be the permanent tax, *never capable of being increased hereafter. That has not been done.* And yet people outside believe that the Congress have done wonders and immensely great things—(The Hon. Dr. T. S. S. Rajan: They *know better*)—things which the Interim Ministers and other Ministers were not able to do.

" Sir, I want to say a word about the Debt Relief Act. (Interruption.) Yes, *it is an Act when once it has been passed by the Legislature.* The Viceroy's assent has not yet been obtained for the Act. I am told—I do not know how far it is correct—that the Madras Governor has been pleased to reserve it for the consideration of His Excellency the Governor-General. I hope it is true. I wish it is true. I also wish and hope that the Governor-General should reserve it for the pleasure of His Majesty. (Some hon. Members: Oh!) There were so many people on one side who said that it was a good Act, but I stated from these benches that I did not appreciate it. Therefore there is no harm in wishing for its further delay and for its not being approved by His Majesty without the necessary alterations. Be that as it may, Sir, I contend that this Act would do no good to the people of this province. It will no doubt help some rich debtors who have incurred debts probably for the purpose of purchasing more lands; but the poor people, *it will never benefit. . .*"

* Mr. PRESIDENT:—" Order, order. The Council is not considering the Bill now. The hon. Member may speak on the budget."

Dr. Sir K. V. REDDI NAYUDU:—" Mr. President, I shall certainly be bound by your order, but let me tell you with great respect that during the general discussion of the budget such references are always allowed."

* Mr. PRESIDENT:—" As long as they pertain to the budget."

Dr. Sir K. V. REDDI NAYUDU:—" Sir, it pertains to the budget in this way. Something has not been done to the people and something else has been done which is more injurious to the people than beneficial. However, I need not trouble the House with it any further. I would only say that credit is dried up and people are suffering to-day and cannot get money for their agricultural operations and for the payment of kist. The difficulty is very great to-day in the delta villages.

" I want to say a word about the cut in salaries. Sir, the services in this country have been famous for a long time for their efficiency

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and honesty. It remains to be seen whether the cut in salaries will not put a temptation in their way and whether efficiency will continue to be the same as before. The cut in salaries is something like a punter losing thousands and thousands of rupees on the race course, coming home and reducing the salary of his gardener in order to make economies. The Government have secured the magnificent reduction of Rs. 41,000. Where is 41,000 and where is 16 crores that we are spending every year. It seems to me to be too small a sum to be thought of. The Hon. the Prime Minister told us that in the long run it will come to about 16 lakhs. Long run indeed! How long? People who have entered service before 1st April 1937 will have to serve for nearly 30 years more; and 30 years from 1937 will take us to 1967 and in their case the maximum can only be reached then because the last man under the old system can retire only at that age. Thirty years, Sir, 1967 is a long way off and much water is bound to flow under the bridge by that time. 12-30 p.m.

"Now about prohibition, Sir. Prohibition which is expected to swallow about 4 crores of rupees, was introduced in Salem and it is now proposed to extend it to Chittoor and Cuddapah districts. Sir, the objection which I raised on the last occasion still remains. I still feel unconvinced whether the advantages that would be gained by this measure would compensate this loss of 4 crores in the fulness of time. Sir, the Hon. the Prime Minister quoted the authority of Mr. Dixon, the Collector and man-on-the spot. I have great respect for Mr. Dixon; I know him personally; I do not say that he has sent a deliberately false report; but I must confess that his informants, whether they be officials or non-officials, whether they be revenue people or police people, must have exaggerated the matter a good deal and his report is therefore a coloured one. I do not admit the efficacy of the working of the Act in the district of Salem. My reason is based not only on the information that I have received, but also the information that was used by many Members of the Lower House where they expressed views similar to mine.

"Sir, apart from this information, I have one good reason which I am sure, the House will appreciate, because it will clearly show that it is impossible to accept the view that prohibition is successful and that illicit brewing is rare. That is the thing on which I should like to lay some emphasis. In the administration report published recently, figures relating to the number of cases of illicit distillation, illicit sale, etc., are given and the table given in that report shows the total number of cases reported in each district during the last five years. Here I will only read the portion of the report relating to the year 1936–37, that is the year before which prohibition was introduced in the Salem district. There were 377 cases of illicit distillation and sale in 1933–34; and in 1934–35 the number was 361 and in 1936–37, the figure rose to 453. Now, Mr. President, a year before or a year and a half from to-day, there were 453 cases of illicit distillation in this very district of Salem. When? That was at a time when liquor was available in public shops

and when people could freely walk into them and get the drink by paying 2 or 4 annas. Compare that with the position as it exists to-day. To-day liquor is not available in public places and is it humanly possible, Mr. President, I ask, that there would be less illicit distillation cases to-day than when people could openly go and pay a small sum of money and get that drink? It requires a more gullible man than myself to accept such a statement as this.

"One other point about prohibition, Sir. Prohibition has been a failure in spirit and that is further apparent from the figures supplied by the Prime Minister himself. He has budgeted for a loss of 12 lakhs of rupees on account of the introduction of this scheme in the Salem district for that half-year. Actually, what do we find? We find that the first half-year, from October to March, of the prohibition era, has enriched the coffers of the Congress Government to the extent of 15·38 lakhs. Instead of a loss of 12 lakhs of rupees or a reduction in the revenue to that extent, we find from the budget that there is an increase under Excise revenue to an extent of 15·38 lakhs as will be found from page 38 of the Budget Memorandum. Therefore, we find that in 1937–38, that is the current year which is just closing, the income is estimated at 403·25 lakhs whereas in the previous year it was 387·87, an increase of 15·38 lakhs. Well, Sir, how prohibition has succeeded will be apparent from this increase in revenue. I can interpret increase in revenue only as an increase in drink. An analysis of the figures will show the effect of the policy of the Government. The receipts from malt liquors, commercial spirits, hemp and other drugs and fines and confiscations, very appreciably increased and where the increase comes in I shall presently point out. I want to show that this increase is not due to these four items I have mentioned above. The largest percentage of decrease under Excise revenue seems to be under the heads 'medicine and toilet preparations'; and where prohibition has succeeded it has succeeded in reducing only the amount due from medicine or the use of alcohol for medicinal purposes and not from drinking. The income from duty on the manufacture of medicines was reduced from 1·65 in 1936–37 to 1·11 lakhs in 1937–38 and spirits used for toilet preparations yielded a thousand rupees as against Rs. 12,000 in the previous year and this too in spite of raising the duty on spirits under this head from Rs. 5 per proof gallon to Rs. 12 and in the case of medicinal preparations to Rs. 17–8–0, as will be seen in the detailed budget estimates given to us. The only other item which has reduced the revenue is fermented liquor which cost 3·97 lakhs for the Government. This decrease is to a certain extent due to the reduction of duty on coconut toddy from Rs. 21–4–0 to Rs. 17–8–0 per proof gallon and on Indian made refined spirits from Rs. 37–8–0 to Rs. 21–4–0 per proof gallon. The loss is partly counter-balanced by an increase in revenue of Rs. 77,000 from opium and Rs. 69,000 from wines and spirits. I do not think that the Hon. the Prime Minister will consider that opium is in any way a substitute for liquor or that opium eating is not so dangerous as toddy or liquor drinking. Be that as it may. But the item which has contributed most to the coffers of

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the Government is the income from country spirits which has increased the revenue by Rs. 10·47 lakhs during the current year, for the income for 1937–38 is 128·84 while for 1936–37 the income was 118·40, that is an increase of 10·44 lakhs. Hon. Members will realize that country liquor is the poor man's drink."

THE HON. MR. C. RAJAGOPALACHARIAR :—" Just an explanation, Sir. I think the hon. Member is reading from the administration report figures for the whole of the province and not about Salem. Am I right? "

DR. SIR K. V. REDDI NAYUDU :—" That may be for your reply and not a matter for interruption. Well, Sir, I was saying that it is a poor man's drink. The poor man toils the whole day in the sun under hard conditions. In this connection I would like to quote the authority of no less a personage than Mahatma Gandhi himself who gave drink to the working men because he found that they were unable to work without drink. He himself brought drink from a canteen in South Africa and gave it to them. That is of course another matter. But I would here like to quote it as an authority because it was recently published in the ' Mail.' Now, Sir, as a matter of fact, therefore, we find that the Government have been receiving even a larger sum of money. They call it sinful money, and that reminds me of what a historian said about that great Empress, Maria Theresa. When Poland was about to be divided, it was said that this great lady wept, tears flowed from her eyes, but actually after a few months when the partition was actually made and about two-thirds of the portion went to Austria, she took it and the historian says, ' she wept, but she also took it.' May it not be said of the present Government that they declaimed this as a great sin—because it is sinful money that cannot be touched and they denounced this—and like Maria Theresa, they received it.

" There is only one other point about this prohibition. No better evidence can be adduced as to the failure of this scheme. My Rt. Hon. Friend, Mr. Sastri, praised the Government for not treating it merely as a start to be proceeded with until the end is reached, but he would introduce, in his own inimitable manner, an element of experiment in this and that is why he says, they are proceeding cautiously. The word ' experiment ' is mine, his word was 'caution.' Well, Sir, it is really caution. But, what does that signify? In another part of his admirable speech, the Hon. the Finance Minister was telling us that his object was, if I have understood him aright, that contiguous districts or a compact area, would be taken, in order that smuggling might be made difficult. Well, Sir, if you look at the map of the Madras Presidency, no doubt Cuddapah touches Salem, but to what extent? In the map, it is half an inch. But if you look at Coimbatore and Trichinopoly, it is six or seven times that area that they touch the Salem district. I agree it is prudence on their part, but I feel after all that with all the enthusiasm, and if I may use the word which the Hon. the Prime Minister has used, with all his fanaticism, prudence

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prevailed and the calculations of the purse had a greater effect in *choosing the area, because Cuddapah and Chittoor do not cost more* than 8 lakhs, but Coimbatore or Trichinopoly would cost a larger amount because they are bordering on Salem. For after all, Salem is a Tamil district and Chittoor is half Tamil and half Telugu, and Cuddapah is entirely Telugu. There is a vast difference between including these two districts and including Coimbatore and Trichinopoly. Those are the districts which have grater affinities with Salem and it would have occurred to any one that these two should have been included, but here again it is the financial consideration that must have prompted the Hon. the Prime Minister to have extended the scheme to the other two districts. Let us wait a bit; let us not be too fast; let us not lose too much and 8 lakhs is sufficient unto the day.

"Now, Sir, I have to say one word about education. So far as the policy, about which there has been some talk, of stopping uneconomic 2-45 p.m. schools is concerned, I am one with the Government, provided it is applied in the right direction. I should think that the closing of schools in the elementary or in the secondary education stage would be highly injurious to our people. Uneconomic institutions in the higher standards, that is, in the college classes should be abolished; I am entirely one with Government if they do that. I believe they are spending nearly 20 lakhs of rupees on the colleges and the universities. If I may draw an analogy, Sir, from the families in our country, the parents are expected to look after the children and infants and take care of them, until they grow into manhood. But young men are expected to earn for themselves; and if the analogy holds, I submit that it is the duty of the Government to look after these earlier classes, the lower standards of elementary and secondary education, while the colleges and universities do not require the same kind of treatment and help which the smaller institutions need. As it is, I feel that too much money is being spent upon the higher education, and it is only right that a portion of this 20 lakhs now provided might as well be devoted to the cause of elementary education.

"Now, Mr. President, I come to a point, on which I have to refer to the speech of my esteemed friend, the Rt. Hon. Sastri. I said, I followed him in another country, and he knows more than anybody else, that in all the speeches I made—and he made more speeches than myself—I took care to start by saying that I am following in the footsteps of the Rt. Hon. Sastri my predecessor. He will not, there fore, mistake me to-day, if I find myself in entire disagreement with what he said about Hindustani education. The apprehensions, he thought, were unfounded and exaggerated. I cannot use that language, and I feel, Sir, he has done a grave injustice to a cause, which is dear to us and which we feel would be gravely hurt by the introduction of Hindi. I will presently revert to that subject.

"The Hon. the Prime Minister has used the word 'Hindustani' in this budget. And in his speech also he has used the word 'Hindustani.' We have been till now familiar with the word 'Hindi' and

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we have been thinking that it is Hindi that is going to be introduced. Well, Sir, Hindustani is Urdu. and as I understand it contains much of Arabic; if I am wrong it is open for others to correct me, as there are Arabic scholars here. As I said, Hindustani is Arabic. What we object to is not the introduction of Hindustani, or Hindi, whatever it is, in our schools as an optional language, left to the option of the students and their parents, but it is the compulsory introduction of Hindustani that we object to. I do not find any reference to this either in the speeches hitherto made or in the statement of the Prime Minister. And we do not know what the Prime Minister means; we do not know whether he means by 'Hindustani' Urdu, which has a large number of words borrowed from Arabic and Persian; and whose script also is Arabic. So far as Hindi is concerned, it contains a large number of words borrowed from Sanskrit, and its script is Devanagari. I do not know whether the proposal, by calling it Hindustani, is to introduce Urdu, which is different wholly in vocabulary, script and everything else from Hindi. I know the Muslims of the north have no objection for Urdu being introduced by whatever name it may be called. But if the Devanagari script is to be put in or even if Hindi is to be introduced, the Muslims will not accept it. I do not know whether this change from Hindi to Hindustani is the result of the controversy that is going on elsewhere. But for us Dravidians, it makes no difference, whether it is Hindi or Hindustani. So long as the new language is compulsorily to be introduced, so long as our children are to be subjected to the study of that language having been left no option, I submit we object. and we object as strongly as we can. What are the reasons why this Hindi should be thrust down the throats of our children? We are told, 'because it is necessary for our nation,' for creating in our people a feeling that they form part and parcel of one great empire, 'it is essential that we should have a common language.' That is a statement made ignoring the lessons of history. We have in North America, we have in Canada the French and the English living side by side. They did not ask for a common language. The Act provides that both languages should be treated as national languages, that the proceedings of the legislatures should be printed in both languages, and in the schools also, both the languages should be taught. They did not consider, in spite of what history has taught us, the great differences between the French at Quebec and the English in the north—that one common language was necessary. The same is the case in South Africa. And my esteemed friend the Rt. Hon. Sastri knows that in the proceedings of the legislature, the print is English on one side and African on the other side; section by section it is so, and there is provision for that in the Act. Take again Switzerland. It will not be larger than two of our districts put together. What do you find there? There are the French living side by side with the Germans and the Italians; and yet, this country did not find it necessary to have one common language; the three languages are made known to all; the proceedings of the legislature are printed in all the languages side by side. And again, Sir, the population of

Belgium is very peculiar. Seventy-one per cent of the population are Germans, only 5 per cent are Italians and 20 per cent are French people. Now, Sir, if 71 per cent of the people speaking in German are prepared to admit that there is no need for a common language and that French, Italian and German can be the national languages of that country, to say that, because a large number of our people in our country are speaking Hindi, Hindi should be the common language conveys no meaning. At best, it will be only subjecting our children to a heavier curriculum than that under which they are already suffering. I daresay our elementary schools will tell you how many of our children are strong and healthy and how many are weaklings. I have seen it for a fact that hundreds and hundreds of our children in schools are mere weaklings, and I attribute that to the excessive courses of studies they are subjected to. But I should not be construed as basing my objection on this ground. My main objection is based on its effect on our culture. Already our languages have been reduced to nothing by the introduction of English. I am a great admirer of English, and at the same time I cannot help feeling the injury it has wrought on our languages."

* MR. PRESIDENT:—"The hon. Member will resume his speech after lunch. The House will now adjourn and reassemble at 2 o'clock."

After Lunch (2 p m.)

* MR. PRESIDENT:—"I propose to continue the meeting till about 4 p.m. to-day by which time all the non-official Members must finish their speeches. To-morrow morning Government Members will reply. After that other Government business contained in to-morrow's agenda already circulated will be transacted.

"I must inform the hon. Member, Sir K. V. Reddi Nayudu, that he has already taken a long time and it is time for him to finish his speech."

DR. SIR K. V. REDDI NAYUDU:—"Yes, Sir. In fact, I am going to finish my speech. I am thankful to you for the indulgence you have shown me and I shall not take more time than what is absolutely necessary.

"Sir, I now come to the question of absolute necessity for a common language in this country for national purposes and for the unification of the nation. This question has been considered in various countries and speaking of Switzerland, Mr Vincent in his book on 'Government in Switzerland' observes as follows about the theory that common language is necessary:—

'The three tongues have existed side by side for centuries and their individuality is recognized in the Federal constitution by providing that laws shall be printed in all of them and that in the distribution of certain offices regard shall be paid to the language of the people for whose benefit the official serves. At present the proportion of the population speaking German is about 71 per cent, against 21 per cent. French and 5 per cent Italian. Inspite of all theories '—that is the portion on which I rely—" these three nationalities have lived side by side not only in harmony but in active co-operation. The confines of the Union do not even follow the natural configuration of the country.

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Ticino is separated from the rest by a lofty mountain chain and Schaffhausen by the waters of the Rhine; yet no region can be said to be more patriotic than the others, and none desires to be separated from the Confederation."

"Mr. President, in a small country like Switzerland a common language is not found necessary, where three languages are spoken and of which one language is spoken by about 5 per cent of the people. I submit therefore that a common language is absolutely unnecessary in this country.

"Now turning to my respected friend, the Rt. Hon. V. S. Srinivasa Sastriyar, I think his information is not correct if I may say so with great respect. The feeling in the country is very strong against the compulsory introduction of Hindi—let me guard myself there. People absolutely have no objection for Hindi being made optional. But for making it compulsory there is the strongest objection possible. If my hon. friend, the Rt. Hon. Sastri, had been present at the Conjeeveram conference at which I had the honour to be present, he would have known the depth of feeling. About 5,000 people were present there of whom 1,000 were women. All the speeches made there disclosed very great apprehensions some of which I do not share. But still the apprehensions are there. One of the apprehensions is that students of backward communities, if they are compelled to learn Hindi, may not be able to get promotions. Of course there are cleverer boys who may be able to get their promotions. But I am speaking of those people who have got an apprehension that their boys may not be able to get promotions if they are compelled to learn Hindi. It may be a foolish apprehension, but nevertheless it is there and it is fair that Government should take care to allay such apprehensions. It is not always that apprehensions based on solid foundations alone should be respected. Any sort of apprehensions that are there will have to be respected, and if Government would make Hindi optional, there would not have been so much opposition with respect to this matter.

"Sir, with respect to this matter, it has been said that this agitation against compulsion of learning Hindi is due to hatred, organized hatred, against the Congress. My Hon. Friend, the Prime Minister, himself has used that expression. I may assure him that absolutely there is no such thing as hatred. It is really the apprehension of certain classes of people that has caused so much opposition to compulsion. It is not hatred at all. Even assuming, but of course without in the least admitting, that there was some sort of stupid hatred or some such thing, may I remind the Hon. Minister of a statement which he knows, a statement of no other person than Lord Buddha himself when he said, 'Not by hatred is hatred conquered but by love.'

"Mr. President, I have only one more word to say. Reference has been made by my esteemed friend, the Rt. Hon. Srinivasa Sastri, to Muslim education. He told us that he referred to the speech of the Hon. Minister in which the Hon. Minister made certain remarks with reference to the communalism prevalent among Muhammadans.

We all agree that in order to stop communalism, the existence c which we all admit, the evils of which we all admit, we should giv more education to Muslims. I agree with him so far as the remed suggested is concerned. But to blame the Muhammadans for havin communalism is very very unfair. Just as the non-Brahmans in thi Province have been dominated by a particular community snatchin all the appointments that they could and now turning round an saying that communalism is a bad thing, the Muslims also have bee dominated by that community. Now that community turns roun and says that communalism is a bad thing and it cannot be defended But I ask 'Who are responsible for this sort of communalism? Wh Muhammadans came to this state of communalism?' It is becaus they were dominated by others and they were not able to keep pac with others that they came to this level; and in order to extricat themselves from such a domination, this spirit of communalism ha come over them in this country. Now is it right for those very peopl who are responsible for the spread of communal spirit to turn roun and say 'communalism is a bad thing.' It is something like a gentle man who preaches birth-control after having 13 children born t him and nothing short of it. After having got appointments to thei sons and grandsons and after having fixed themselves firmly in cer tain places under Government, they can say, 'what is the good o entering Government now? Anybody who talks of Government ser vice is guilty of communalism.' I submit this is not a fair criticism Communalism is there and it has to be got rid of. These people wh have dominated over some other communities have reduced them t nullity in society and have made them unable to rise from thei places, people who have been down-trodden for years and years an for generations and generations. Now who is responsible for thi state of things? So the Muslim and other communities say that the must have their due share in Government service. Of course let th other dominating community have its own share. They have got thei places already and they are sitting safe and entrenched in their places. If such a community should come forward and say, 'you should not have communal spirit and so on,' I should think that that is not a defendable position.

"Sir, once more I thank you for the indulgence you have shown to me."

*Mr. R. SRINIVASA AYYANGAR:—"I do not propose to preface my speech by offering congratulations to the Chancellor of the Exchequer as I know fully well that he does not like congratulations being offered him either by the Members of the Opposition or by Members of his own party. The budget which I commend for the acceptance of the House speaks for itself. The financial structure of the Government rests upon a sure, safe, secure and solid foundation. Pledges and promises have been made to better the condition of the masses and they have been implemented in the budget which bears an impress and a desire to better the condition of the peasantry as a whole. I would only dwell on what I consider to be the outstanding

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features of this budget which consist in adequate provision being made to nation-building departments, in setting apart or creating a fund known as Rural Water Relief Fund to the tune of 15 lakhs and in extending prohibition to two more districts and also in making a promise that a concession in revenue remission will be repeated next year also.

" Again, Sir, grazing-fees have been reduced by 50 per cent and those in the countryside have had nothing but praise for the budget, which, in my humble opinion discloses a high degree of statesmanship and a wide outlook. Sir, as I was reading the Hon. the Finance Minister's budget speech, I simply wondered for this reason, that never before within the four walls of this House has such a budget been presented for consideration. The Hon. the Premier has shown himself to be a very capable financier, and I can compare him with Sir Philip Snowden and the late Sir Basil Blackett. There are however certain matters in respect of which I should like to offer a remark or two. 2–15 p.m.

" The previous speaker, my friend Sir K. V. Reddi, indulged, if I may say so with respect, in jibes and sneers against the Congress Party and, by the way, he had also a fling at a certain community which, according to him, exercised a very dominating and unwholesome influence, to the detriment of the other communities. Excuse me, Sir, if I say—and we all know it only too well—that that community has gradually yielded to the clamour of the other communities in the matter of the distribution of offices and official patronage.

" Next, Sir, his remarks about the doling out of remission of land revenue every year, without placing the land revenue policy on a permanent legislative basis, calls for some comment. There is some force in his observation; for it has been a standing complaint for nearly twenty years that the land revenue policy has not been placed on a legislative basis. The Joint Parliamentary Committee also referred to it and recommended it. When I was a Member of the old Council, on two occasions, resolutions on this subject were carried; but for some reason or other, they were shelved. Sir Arthur Knapp, the then Finance Member, brought forward a Bill which, even at the stage of introduction, was thrown out. Later on, Sir K. Srinivasa Ayyangar, brought forward a more comprehensive Bill known as the Irrigation Bill, embodying some valuable and good suggestions. That was also thrown out, with the result that in sheer disgust he resigned his appointment as Council Member. His successor, Sir C. P. Ramaswami Ayyar, then took it up and it was passed by the old Council. When however it went up to His Excellency the Governor for assent, he remitted it back to the Council. That was somewhere about August 1926. We then had to face an election which was to come off some three months afterwards. The party then in power hit upon the device of giving it a decent burial by bringing forward a dilatory motion, which was subsequently carried, that the consideration of the message be postponed. Afterwards, nobody ever

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heard of it. Probably the original Bill, as passed by the old Council, is lying in the archives of the Government Secretariat. Sir, it is really necessary that some means must be devised for the purpose of placing the land revenue policy on a legislative basis. On going through the Budget, it seems to me that this question which, according to the Hon. the Premier, is somewhat difficult by reason of its intricate nature and by reason also of the limitations of provincial finance, is engaging the attention of the Government, and I hope and trust that sooner or later, better sooner than later, he will tackle the question, take the sense of the House and try to place before the House and the country a Bill which will go a long way in giving a certain amount of permanency and assurance to the agrarian population.

"Next, Sir, my hon. friend, Dr. Sir K. V. Reddi, was hard on prohibition. He said it was a failure, and when his attention was drawn to Mr. Dixon's report, who is the man on the spot, he simply passed it over, the implication being that not much weight could be attached to that report. He also faintly hinted at the extension of prohibition to two other districts, Chittoor and Cuddapah, and said that it was not a thing for us to enthuse over by reason of the fact that the extension to these two districts was not likely to affect the public revenues to any large extent. Well, Mr. President, I may say that after the introduction of prohibition in Salem, there was a clamour from all the districts of the province for the introduction of prohibition. For reasons of finance and for other considerations such as finding money for nation-building departments, it was considered expedient and feasible to extend prohibition only to two more districts in the coming year. Sir, prohibition will confer a lasting boon on the poor people.

"My hon friend Sir K. V. Reddi also referred to the increase in Excise revenue consequent on rentals to the tune of Rs. $15\frac{1}{4}$ lakhs more than our estimates, notwithstanding the fact that prohibition had been introduced in Salem. That is a sorry spectacle indeed. That shows that notwithstanding the efforts of some of us, people are drinking more or that more and more people have taken to drink. Anyhow, it is a sad thing to contemplate, and there is no use of blaming the people. For, we have to blame ourselves to some extent for not carrying on a propaganda, both in an intensive and extensive manner, among the ryot population, on the evils of drink. There is no use, therefore, blaming the Government or telling them that in no way can they reform the people by prohibition or that prohibition would bring in a large amount of revenue. That is arguing in a circle, and I do not think there is much substance in what he said.

"Regarding the question of the introduction of Hindi as a compulsory subject in our schools, he instanced two countries, Belgium and Switzerland . . ."

Dr. Sir K. V. REDDI NAYUDU :—"I beg his pardon, Sir; it was not Belgium; I referred to Switzerland, Canada and South Africa."

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MR. R. SRINIVASA AYYANGAR:—"Very good, Switzerland. So far as Switzerland is concerned, he said they had three languages there. It is a small country. Let me try to meet him on his own ground. In a small country like Switzerland we can have any number of languages; but in a large country like ours, there must be at least one language, in order to enable people from the south when they go to the north, to know exactly the actual state of things, to converse with the people there and to get the ordinary amenities. For instance, suppose I have to go to Northern India, I would have to get hold of a person who knows two languages, i.e., one of the vernaculars of this province and the language prevalent in Northern India. And if I myself do not know a common language, such as English which serves the purpose now of a *lingua franca*, my position will be really miserable. If there is at least one common language by which we can carry on conversation with all our people in any part of our country, I think that will be the best thing possible.

"Then, Sir, I shall advert to one or two points more. Of late there has been a desire expressed, and by implication, there seems to be a proposal to close down some of the courts. I would make an earnest appeal to the Hon. the Finance Minister in collaboration with the Hon. Minister for Courts and Prisons, to abolish straightaway with one stroke of the pen all temporary courts and all additional courts. So far as permanent munsifs' courts are concerned, there seems to be a general feeling that they may be allowed to continue for a year or two more, before deciding on which courts we can lay our hands for purposes of abolition. This feeling has to be respected. My friend suggested—and I think rightly—that the time has come for the reduction of the number of High Court Judges. That is a suggestion which has been thrown out for the consideration of the Hon. the Minister concerned.

"Coming now to Jails, a bold step has been taken in the matter of releasing a large number of prisoners. That policy is based on a desire to do good to the unfortunate people who have been convicted and to give them a chance to lead a better life. If my information is correct—and I presume it is correct—the total number of persons so far released comes to about 1,000. There seems to be a prospect of the cases of 2,000 more persons being considered by the Government. The total number would thus come to 3,000. In that state of things, I would ask the Hon. the Finance Minister to consider the desirability of closing down some of the district jails. On an average, each jail contains between 300 to 400 prisoners, and if 2,000 to 3,000 prisoners are to be sent out of the jail in pursuance of a generous policy, there is no reason why some of the jails should not be closed down. If that is not found possible, at least the Government may order that no vacancies be filled up either in the posts of superintendents or of jailors and deputy jailors in respect of some of these jails, for some time to come.

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" Next, Sir, I am glad to note that the prisoners are being treated as human beings; they are now having buttermilk given to them, added to salt. But the jail population has still got some grievances. For instance, they would like to have oil-bath at least once a week. Now, each prisoner gets per diem half an ounce of gingelly oil. Two ounces of gingelly oil will generally suffice for an oil-bath. Oil is needed for rejuvenation and lubricating the skin and for preventing skin diseases and also scurvy, etc. This is not likely to cost much to the Government. At present, provision has been made for supply of bedding in the case of convicts who are kept in the lock-up. That is a very nice idea, and in view of the fact that oil-bath is not likely to commit the Government to any great expenditure, I submit that it is a matter worthy of the serious consideration of the Government and of the Hon. the Finance Minister.

" There is one other point which I would like to advert to, and that is with regard to jail diet. On that question, I may say that ragi pudding weighs 2 lb. 8 oz., whereas rice weighs only 2 lb. Up in the north, raw rice, milled, is given. In the south, boiled milled rice is given. We have now the opinion of experts to the effect that milled rice does not contain sufficient quantity of vitamin; and they say that milled rice can be very well replaced by hand-pounded rice. There are many labourers in jails who can be entrusted with the task of pounding the rice and thus, the introduction of the hand-pounded rice may add to the comforts and the health of the jail population.

" On the question of the accelerated programme of improving minor irrigation works, I have just a word to say, viz., that it will command the confidence of all the people.

" Regarding village communications, in the last year's budget, no provision was made for it; in this year's budget, a paltry sum has been put down, of about Rs. 1 lakh. That is hardly sufficient; it is only a flea-bite and almost negligible. Most of the villages are isolated and are far away from the main roads or even from second-class roads, and for three or four months in the year, most of them are impossible of access. It is up to the Government to set apart some more money for the purpose of expenditure on these village communications.

" I now come to the Hindu Religious Endowments Board, which, as everybody knows—you are also aware, Sir, as a Member of the Legislative Council at that time—that we, on the Opposition, opposed the introduction of that Bill tooth and nail up to its final stage. We were powerless then, and in the teeth of opposition, that Board was constituted—I may say here without giving offence to anybody—owing to party considerations in view, and with the idea of consolidating the power of the party. Sir, it is a white elephant and there is absolutely no justification for continuing it. Complaints have been heard of the way in which the circle-committees have been constituted. They care a hang for all the lawful orders issued even by the Board. Being non-official bodies, they think that they can do things as they please with impunity.

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" Only one word on the setting apart of a sum of Rs. 50 lakhs for the relief of indebtedness of the agriculturists of the province, in whose favour and for whose benefit a Bill was recently passed, which is awaiting the assent of His Excellency the Viceroy. My submission is that Rs. 50 lakhs is a very small sum. It no doubt shows the earnest desire on the part of the Government to do substantial help to these poor people. I hope and trust that that money will be properly utilized and well-spent so as to reach really poor people.

" Sir K. V. Reddi bitterly complained of this raising of the 2
registration fee. As regards that if I remember aright, this rate as it stands increased, is less than the rate that prevails in Bengal and in Bombay, and I am not letting out any secret when I say this increment will not affect transactions of the value of Rs. 200 and under. That is a thing which he, apparently, has ignored.

" My hon. friend began with praise and as he developed his theme, he took away by one hand what he was pleased to give at the outset by the other. To use a familiar expression he has damned the Premier even with faint praise."

DR. SIR K. V. REDDI NAYUDU:—" As a matter of personal explanation, Sir, I did not in the least take away any portion of the praise that I had given." (Laughter.)

* MR. PRESIDENT:—" Yes." (Renewed laughter.)

MR. R. SRINIVASA AYYANGAR:—" I accept his assurance."

THE HON. MR. C. RAJAGOPALACHARIAR:—" The fainter it is the better for me." (Laughter.)

MR. R. SRINIVASA AYYANGAR:—" Ordinarily I expected—and after going through the budget I find—that this budget has been carefully prepared in such a way as to disarm all criticism. The budget bears intrinsic evidence that it is intended to better the condition of the people. A better budget in the circumstances and subject to the limitations under which we work cannot be thought of.

" Though I began by saying that I did not want to offer congratulations, still when I am about to resume my seat I am tempted to tender my thanks and felicitations to the Hon. the Premier and the province must be grateful to him for the masterly budget prepared by and the lucid manner in which it was presented by him."

* DIWAN BAHADUR S. E. RUNGANATHAN:—" Mr. President, Sir, may I venture to offer a few remarks on the budget which was so ably and lucidly presented to this House by the Hon. the Prime Minister. I think many of us are agreed that the budget, as claimed for it by the Premier, is based on sound policy and financial rectitude, to use his own words, and is on the whole framed on lines of prudent and conservative finance. The most outstanding feature of the budget is the special provision which has been made in it for the amelioration of the condition of the rural population, and in that connexion I should like, if I may, especially to refer to the provision which has been made in it for the creation of a rural water-supply fund

which is undoubtedly commendable. That, may I say Sir, marks the first step taken by the present Government in a scheme of planned finance, and the principle behind it, viz., that all accepted schemes of outlay, which require time for completion should be freed from the vicissitudes and hazards, as the Rt. Hon. Sastriar has put it, of annual budgeting, deserves to be extended to other developmental activities of this province. But, Sir, my main criticism against the budget is, apart from particular items which are very desirable, that the budget does not reveal to us a clear policy of Government in regard to various important departments of national activity. I take it that a budget ought to be the definite expression of the clearly conceived policy of the Government in regard to various branches of administration, and judged from that point of view, I have to confess that the budget seems to me to be unsatisfactory.

"Take agriculture for instance. It is perfectly true that 50 lakhs have been provided for loans to agriculturists towards debt relief. It is also true that a remission of land revenue to the extent of 75 lakhs has been made, and these are very very necessary. But I maintain, Sir, that these at best are palliatives. They are not a permanent cure for agricultural indebtedness, not a permanent remedy for the plight in which the agriculturist is. The actual income of the agriculturist has to be increased and so far as the present budget is concerned, there is no evidence of any definite agricultural policy on the part of the Government by which that could be brought about. The knowledge available of manure, better seeds, better cultivation and of improved agricultural methods has to be brought to the door of the agriculturist. For we have to remember that it is only an increase in the income of the people of this province that can ensure a permanent and an abiding source of fresh revenues to the Government.

"Another aspect of the agricultural policy, Sir, is the possibility of settling many of our unemployed graduates in agricultural colonies. I am informed that there are about 10 million acres of cultivable waste land in this province. How much of this land is cultivable is a problem which the Government should investigate so that if there are vast areas where unemployed educated men could be settled, Government may be in a position to take necessary action.

"Again, as regards the industrial development of the country, apart from the hydro-electric power scheme which of course is very important for the country, the budget does not reveal to us any clear industrial policy on the part of the Government. What are the industries which Government propose to encourage in this province? Are they going to be content with cottage industries? Are they going to extend their activities in the sphere of public utilities? These are questions, it seems to me, to which we have a right to expect an answer from Government.

"Then again, as regards public health and medical relief, I find that the budget figures for 1938–39 exceed the expenditure in 1936–37 by 10 lakhs, that is, 5 lakhs for public health and 5 lakhs for medical

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relief, excluding of course the fund provided for rural water-supply scheme to which I have referred. Now in view of the importance of the health and physical fitness of our people, and the great need there is for adequate medical relief particularly in rural areas, I contend that that provision is not adequate. The necessity for the improvement of village sanitation is very great and there is an equally great and urgent need for the establishment of a large net-work of rural dispensaries.

"Coming to education, here again, I find that the budget provision for 1938–39 is a little over 5 lakhs in excess of the expenditure in 1936–37. Considering that education is of all community services the greatest and the most important, I feel that far greater provision should have been made. It is very unfortunate that the budget provides for no scheme of adult education. By adult education I do not mean making the illiterate masses into literates. That is well-nigh impossible. But by adult education, I mean giving them an elementary knowledge through pictures and through lectures, of health and sanitation, and generally speaking of the modern world in which they live so that they may become more useful citizens I feel that such a scheme of adult education would also be the means of finding employment for a large number of our educated young men who are now without work and who are eager to give concrete expression to their moral idealism and to find channels of service to the country.

"In regard to primary education, I shall not say much. While it is necessary to prevent wastage and stagnation and to make the existing schools more efficient, I feel at the same time that it is the duty of the Government to make greater provision for opening more schools at the same time. The much discussed Wardha scheme has been referred to by the Rt. Hon. Sastri and I agree with him that it was wise on the part of the Government to try out that experiment in one school in each district as a complete whole. But that will certainly take time. The complete scheme will take six or seven years to 2-4
produce results worth judging. I have always felt that there were p.m
some features of the Wardha scheme which were admirable and I wish it were possible to have such features introduced even at an earlier stage in a large number of our schools. I have always been sceptical as to what might be called the economic aspect of the scheme, its self-supporting aspect, to which my Rt. Hon. friend referred and which as he pointed out has now somewhat receded into the background. But the purely academic features of that scheme, for instance, the emphasis which this scheme lays on learning by doing rather than on learning through books alone which has been, I consider, one of the baneful features of our educational system in the lower stages, and also the training it provides for hand and eye through the teaching of arts and crafts, are desirable features and could straightaway be introduced into a fairly large number of schools. I am glad of the provision made in budget of about 3½ lakhs rupees for the Pachaiyappa's College at Chetput. I take it, Sir, as a welcome indication of the desire of the Government to encourage and support higher education and university education on sound lines. I entirely

associate myself with my Rt. Hon. friend when he said that we do require a liberal education so that it might promote that breadth of outlook, that spirit of tolerance and that sense of national unity of which the country stands in such great need. The re-organization of the various stages of education in our province is now engaging the attention of various expert bodies and I hope that we shall be able to evolve a well co-ordinated scheme extending from the primary stage to the university stage which will make the coming generations efficient and useful citizens willing and eager to promote the welfare of our country. I can anticipate the answer which my friend, the Hon. Finance Minister, will give to my few criticisms and suggestions. It would be this: that he is not unmindful of these large measures and long range policies and plans but that he is handicapped by the limitations of finance imposed on him by the Government of India Act. Speaking in another House, he compared provincial autonomy to a toothless and barren cow from which no milk could be extracted. I much confess that I cannot agree with him there. How can we compare provincial autonomy which has just been born to an aged and barren cow?"

THE HON. MR. C. RAJAGOPALACHARIAR:—"Just a word of explanation, Sir, so that the hon. Member might make his speech more effective as against me. It was not provincial autonomy that I said was a toothless cow but land revenue and excise revenue. I called them both toothless and barren cows."

DIWAN BAHADUR S. E. RUNGANATHAN:—"I am sorry, Sir, for the mistake I have made. In any case the Hon. Minister complained that the sources of revenue were inadequate for these large schemes. However, at the same time, in another memorable speech, he said that his party would legislate and carry on the administration as if they were going to remain in office for a century even though they were prepared to leave the Government in a day. That I say, Sir, is the correct attitude and the right outlook. If that is their attitude and spirit, the Government should think not of economies here and there, nor of retrenchment in essential services to the country nor even of additional taxation but they should concentrate their attention on the development of the vast potential resources of our country in man power and in material. If the agricultural and industrial resources of our country could be developed and if the intellectual and moral power of our people were strengthened through education, then indeed would the present Government be ushering in a new era, an era not only of material prosperity to the country but of the moral progress of all its people."

* MRS. MONA HENSMAN:—"I think it is the tradition the world over as well as in this country that when a woman rises to her feet, the male Members of the House might as well go out, have a smoke and come back only to find the woman still speaking. But I hope to prove that women can follow the example of men especially when they are in a minority as we are in this House. May I be permitted to take just a few points in the budget? Much has been said about the various main headings numbering about 30 or 35. These form the

; groupings. So I need not go over the same ground that has eady been more than well covered. In the provision that has been de in the budget for certain departments—more perhaps as a guid-ce for the future, it may be too late to interfere with these things w—will it be too much to ask that some consideration may be given one or two of these main headings? Hon. Members who spoke before have already congratulated the Hon. Finance Minister on the ame-ration of the condition of prisoners. To us women, Jails, the Admi-;tration of Justice, Education, Medical and Public Health are the in headings that we are interested in. Regarding Jails, about which re has been a speech this morning, the word 'juggling' has been d. I should like to enter a protest against the provision that has n made for certified schools in page 160 of the budget estimates der the head 'Jails and Convict Settlements.' Certified schools and ablishments pertaining to them should not be placed under the head-; of 'Jails and Convicts Settlements' but should find a place in allotment for Education. This may be a very heterodox sugges-n and Government may say that it cannot be put down there. But those of us, who work witb the children from the certified schools, owing them as we do, it seems that it is wrong to put the provision junior delinquents and junior destitute children in the same allot-nt as for 'Jails and Convict Settlements,' namely, in the allotment convicted people who perhaps may be hardened people or may be tering upon a life of crime and therefore are responsible for what y did. Therefore, I suggest that the monetary allotment under the b-heading 'G' pertaining to this subject may in future be transferred the part of tbe budget relating to Education.

" There is another grievance that we who are trying to do a certain iount of social work feel; and that is the absence of women probation icers, both in this city as well as in the other cities of the Presidency. e want also an allotment to be made for women police. I do not sh it to be understood that we want the men police to be ousted or at we want to replace the men in charge of traffic signals and other ch work. We do not want to take their places. What we wish is at a small additional staff of women police should help us to put to action the Bill that was brought into this very House not quite ne years ago by Dr. Mrs. Muthulakshmi Reddi, that is, the Bill to ppress the traffic in women and children. We experience a practical fficulty for want of women police. When we are following up these omen and children, many of them under 16 years of age, men police nnot help us. We go to a place and some piece of gunny is put across e end of the room, and we are told that they are *purdahnasins* and e men police cannot enter the place; and those of us who only work luntarily, those of us who are merely social workers, have no power id are not authorized to enter the place and make a search. What we k for is that a definite amount may be set apart for that purpose, aking a small beginning with a staff of one or two women and expand-g it later on, so that these people may be guardians of the women id children who come under their purview. For my part, I myself

know of two or three cases where girls have completely disappeared and we have not been able to do much to trace them.

"The next subject for which I would ask your attention to is the subject of Boy Scouts and Girl Guides. As you know, these two movements have been doing a great deal in this country; and I am glad to see that an allotment is made in the budget under Education. But may we have an assurance from the Government that such allotments will be made every year and that for our own exclusive use? Out of the money allotted to us, by voluntary services and careful financing, we may save at the rate of a thousand or two per year. And these amounts we want to utilize for the purpose of training our own women in a course which at the moment is not available in this country. They have to be sent abroad. What we want is that for this purpose we should be allowed to retain in our own hands such monies as remain unspent owing to our careful financing and voluntary services. We do not ask for anything more. If this is given to us, it would be a source of great satisfaction to us. The cost of this movement is for the most part met by parents who are already paying a great deal not only by way of rates and taxes to the Government and to the local authority but also to the schools and colleges where they receive their training.

"I do not think it is fair to tax the parents any further; they are taxed already. If we are to have some kind of a fund, if we are allowed to start a reserve fund earmarked for training our own people, it would
p.m. be a source of encouragement and enrichment and it would be a real privilege to us.

"Being a woman, curiosity is supposed to be one of our characteristics, and one of the most interesting parts of this budget which met my eyes was 'Miscellaneous,' because it had no more definite head. Looking more carefully, I find this bit—pages 423 to 426—is our future ground for social legislation. We have got various opinions and each of us has his or her own opinions; it is right that we should keep to our opinions. But it seems to many of us that social legislation and political legislation should go hand in hand; one cannot be done without the other; one cannot be put aside for the other. We see some charitable institutions, charitable endowments in the budget under this head—Monegar choultry, various choultries, various societies, and asylums for protection of children, Friend-in-Need societies, Rescue Homes and the Vigilance Association work in the City of Madras. There must be a great number of charities that should come under this head; in the budget allotment there is only half a lakh allotted to all of them. The Madras Vigilance Association for instance must be allowed a greater sum than it is at present. That is another form of a magnificent Act that was brought in in the year 1927. If we are to make these Associations useful and if we are to have more social legislation, the amount for charitable organizations should be allotted at a higher rate.

"We want beggars to leave the City of Madras, not exactly to leave the City of Madras perhaps, but they should be provided for so that the maimed or the blind or the infectious may not stay in our streets.

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But we have no provision for this; there is the Corporation Home, which is not sufficient. There is no law that has been passed by this House about beggars, because every law that has so far been passed in India has had to exclude religious beggars; according to the notions of our own communities and according to our own religions, religious beggars are privileged to supply our spiritual needs. But it is time that we should think, we should begin to think, of some kind of place where beggars can be isolated, and men, women and children should be placed in the spaces allotted to them. If we could find some place set apart in some district or perhaps near Perambur, or wherever the authorities might decide, it would be very helpful. If we can have money set apart for starting beggar colonies, these beggars may go there with their families; then the members of the families will not be separated from one another and the children can be fed and clothed there, which the parents could not afford to do. Many families—destitute families—would take advantage of these places if provision were made for them to have some kind of society and simple life; perhaps water-supply can be given them; they can grow their own vegetables; I leave these details to be worked out by men. If I make a suggestion of this sort, it is because I want more money to be provided in the Budget for these things. If there is public opinion, if propaganda is carried on outside the House, it will be easier to enforce the legislation that is passed in this House. I would like to stress very much two points in this connexion. There is a Persian proverb saying: one may be full of years; but wisdom comes not with years but with knowledge. I would like to say that it is only by way of spending more amounts under our 'Miscellaneous' head by creating more public opinion and by giving more scope for public work, for honorary work and honorary service, we can really bring out the wisdom of our nation.

"A second Persian proverb points out that if a man loses wealth, it is nothing; if a man loses health, he loses something; if a man loses character, he loses everything. It is not the wealth of the nation that so much matters; health is more than wealth and most of all, the character of our nation. I wish to apply that principle even to the financial expression of the budget, that we have now before us in the spring months. There is a very great necessity at present to build up our people, and our thinking. I thank you, Mr. President, for giving me this opportunity of saying in respect of the Budget that we should include more funds for these purposes; the people pay money to the Government and the Government should pay money back to the people, so that we can build up the best kind of nation in our country."

* Mr. D. MANJAYA HEGDE:—"Sir, there is not much feeling of hostility among the Members of the House about the budget that has been presented to us. The budget itself is a surplus budget and a well-considered one. People expected huge loss of revenue owing to the introduction of the prohibition measure. But surprisingly this year we find a great increase in the rental amount in the matter of the sale of the arrack and toddy shops and it is good for the time being. Some economic measures have been adopted in the budget, to save money by

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curtailing expenditure in various departments such as by the appointment of honorary medical people in the place of highly-paid doctors, by cuts in salaries and by stopping carrying on the Government at Ootacamund during the summer season. I am very glad to hear the statement of the Hon. the Premier that no fresh measures of taxation are in contemplation at present. This statement will be welcomed by the agriculturists, because they are already hard hit by the present taxation. In this connexion I request the Government to give more attention, to reduce the land revenue and to give encouragement to the land-owning class to improve their lot. The proposal to remit 50 per cent in the grazing fees is a good one. I wish that the whole item of this revenue is abolished. Whatever may be the amount that is collected as grazing fees from the poor agriculturists, it is a troublesome matter to them, because they are harassed by some of the minor servants of the Forest department very frequently on this account.

" The provision for the development of villages is quite welcome. But I do not find any adequate provision for the strengthening of the village panchayats. In order to make our country prosperous, it is quite necessary that we should give much encouragement in the matter of the working of village panchayats, by granting sufficient funds for their village reconstruction work. There is no adequate provision for village road communications. It is quite necessary nowadays to link all the villages, so that all the villages might combine together in the matter of the uplift of the country.

" Then again, Sir, provision, I think, has not been made to spread, to the people, the scientific knowledge of agriculture, by opening one or two model farms in each and every taluk of the district, so that the younger people of the land-owning class might take advantage of the system.

" The provision made in the budget for anti-malarial measures is not at all satisfactory. I think only a sum of Rs. 500 is provided for anti-malarial measures in one district. The major portion of our district is subject to the malaria disease, especially the Puthur, Karkal and Buntwal taluks. Therefore, I request the Government to provide enough funds for this purpose; for free distribution of quinine also, sufficient funds should be provided. I think the cinchona plantations also should be encouraged without delay. With these words, I request the Government to give necessary help to the ryots in the manner I have suggested. I congratulate the Hon. the Premier on his budget so carefully got up."

* KHAN BAHADUR HAMID SULTAN MARAKKAYAR:—" Sir, I seek the indulgence of the House to make a few observations on the exceedingly good budget presented by the Hon. the Premier. To begin with, let me congratulate the Prime Minister on the excellent budget presented by him with sound financial position and for the lucid statement made by him, a statement which ranks as one of the best that has ever been made in this House.

" It is gratifying to note that the interests of agriculturists are dear to the Premier. There is therefore every hope that the Hon. the Premier will see that all possible measures are adopted to secure immense relief

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to the agriculturists. In this connexion, I would suggest that land revenue reduction should be the first of such relief measures. I would also urge that the present rate be reduced by 33⅓ per cent.

" As a Muslim Member of the House, I cannot but appreciate the Hon. the Premier's move towards prohibition. I am glad that being encouraged by the signal success in Salem, prohibition is being extended to other districts. It is no exaggeration to say that the success so far achieved has largely been due to the support of the public and to the strong popular feeling in favour of it. This reform not only tends to reduce crime to a greater extent but also helps to improve the economic condition of the people who used to drink in the past.

" An outstanding feature of the budget is the provision for a comprehensive scheme of protected water-supply in rural areas, with a view to provide pure drinking-water to the people of every village in the Presidency. It is gratifying to note that the Government have made a start in this direction with the provision available in the current year's budget. I am sure that as a result of this reform, water-borne diseases which are now prevalent in village parts due to the use of drinking-water from open wells and unprotected tanks will disappear.

" The account given by the Hon. the Premier about the successful development under the headings ' Electricity ' and ' Irrigation ' indicates a satisfactory state of affairs under these two heads. I have every hope that he will provide in the next budget, though not now, for the supply of electricity to agriculturists."

* KHAN BAHADUR T. M. MOIDU SAHIB BAHADUR :—" Let me also add my hearty congratulations to the Premier, the Finance Minister, for he has been very careful in placing a budget before the Council, which has satisfied everybody. But he has forgotten to satisfy the Mappillas who are educationally very backward. It is education alone that can uplift them. Sir, it is admitted that Mussalmans are generally backward. We have a Muslim high school established in Malappuram by the previous Government at the instance of repeated requests. We were requesting the Government for further help through the Director of Public Instruction who, I say, Sir, is a friend of the Mussalmans as some papers had put it some years ago, that Justice Bodam was a friend of the Muhammadans because he happened to give a big donation to the Anjuman. So, I say the present Director of Public Instruction is a great friend of the Mussalmans, for it was because of his influence that we got a high school in Malabar. 3-15 p.m.

" Sir, it is only a year and a half since the inauguration of the high school took place and all the classes are full and there are divisions in many classes. This school is situated in the training school compound in sheds and dilapidated rooms. Our request for help to have a new building for this school and a hostel attached has not been considered by the Government. The boys are now housed in buildings which I am told might collapse during the rainy season. All the other Ministers, except my friend the Minister of Public Information have been touring all over Malabar, say every six months, and I may ask

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those Ministers whether they have seen the Malappuram high school. It is education and education alone that has done something for the Mappillas. After the last rebellion, there has been no trouble in Malabar; the Hindu-Muslim relationship in Malabar is one of the best in the whole of India. It is education that has had this effect. It is education that makes troublesome elements into law abiding citizens. It is education which we lack. I was very hopeful that our very kind Minister would have taken into consideration all these facts and provided some money for the Malappuram high school. Somehow or other, whether on account of his pressure of work, or whether on account of the authorities not noting the necessity of such a thing, he has not provided funds for it. Sir, we find provision is made for the Pachiayappa's College for about Rs. 3 lakhs.

"Sir, the cry now is that we should close down Arts Colleges and Law Colleges. I am one of those who think that education up to the school final standard must be made compulsory. Under the circumstances, I hope the Minister will really reconsider the case of the Malappuram high school and provide some help in the near future. This is so far as education is concerned.

"Our Minister for Public Health has reduced the civil hospital at Tellicherry into a second-class one. Till now, we had what is called a Civil Surgeon as the head of the hospital. Nowadays even in the nook and corners of villages medical aid is given. Tellicherry is an important town. Not only in the sense that every town is important, but it is also historically important. The East India Company had their beginning there; they had their business headquarters there. The statistics of the hospital will show that a very large number of major operations were done in the hospital, recently while Dr. Gulam Hussain was there as the head of the hospital, I knew very big cases were admitted there. Even major operations were done by him. Such being the case, that it has been recently reduced to a second-class hospital is an injustice. I request the Hon. Minister for Public Health to reconsider the question and make it as it was before, if not better. With the advent of the Congress Ministry I must congratulate the Hon. Minister in charge of the Medical department for the reorganization he has effected in the various medical institutions. To-day I had been to the General Hospital and I found that things there are far better than before. And I say credit also goes to our late lamented leader the Raja of Panagal, who as Minister was then in charge of medical institutions and who was always more concerned with them. But, now I find the Hon. Minister is following the policy of my late lamented leader in taking care of medical institutions and the Medical department.

"Again, Sir, there is another important matter—the Hindi question—Hindi versus Urdu or any other language of the Presidency. We, Mappillas, though we are Muhammadans, are not always fond of Hindustani or any other language. We have all our books in Malayalam and we speak Malayalam. It is so in the whole district of Malabar; it is our language. So I do not find any reason why Hindi must be made

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compulsory in the schools. The present curriculum for the students is itself a sufficient burden. Hindi should not be thrust upon them. It will tell upon their health. If there is any necessity for a common language for the whole of India, I think Urdu is the best language. And even the ex-President of the Indian National Congress, Pandit Jawharlal Nehru, for whom I have the greatest respect, though a Hindi scholar, is fond of Urdu. This question has been the subject of a controversy in the daily papers in Madras. So I request the Hon. Minister in charge of Education not to make Hindi compulsory but to make it an optional subject; if necessary, make Urdu a compulsory language. Urdu is said to be the Lingua Franca of India. And I know most of the words used in Hindi are from Urdu and there are some Sanskrit words also and they are only new things borrowed so far as Hindi is concerned.

"Coming now to the Agricultural Debt Relief Bill, which is now under the consideration of His Excellency the Viceroy, I request the Hon. the Prime Minister, if he feels that he must look to the other side also to the landholders' side without any injustice, he must also be favourable to any suggestion that may be sent to him from the Viceroy and the Governor-General and if necessary it may be again brought before the Legislature for reconsideration or for accepting amendments. With all respect due to the Hon. the Premier I must say that this legislation was very hasty and no suggestions made to improve the Bill were taken into consideration, because he was afraid that his precious time would be lost in the discussion. But anyhow if the Viceroy thinks that some modification is necessary I request him to be so magnanimous as to consider them and to send it up again to the legislature for reconsideration or for making the necessary amendments.

"Mr. President, Sir, I think I have to humbly place before you the pitiable condition of the agriculturists of Malabar. So far as coconut is concerned the prices have gone down to such an extent that they cannot even pay the reduced rent or the balance of rent. Some protective measures must be taken. I know that the Madras legislature cannot have any voice in placing an embargo on the importation of coconuts from some other cities or countries like Ceylon. But, I think, they can have their influence felt on the Central Government, if they think that it will do any good to Malabar which is in the throes of what is called a calamity. I do not want to refer to the details of the havoc done on account of the low prices for coconut and pepper which are the chief products of Malabar. Pepper has gone down to Rs. 100 and below even to Rs. 90 though formerly the price was Rs. 600 per candy. Sir, protection must be given to them by placing an embargo on those commodities coming in. The Government can investigate into the possibility of these things. I think the Government will do a wise thing to constitute a committee in order to find out the ways and means with regard to the raising of the prices of coconut. With these few words, I again congratulate the Hon. the Finance Minister on the excellent budget that he has been able to present to this House."

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0 m. MR. MEDAI DALAVOI KUMARASWAMI MUDALIYAR:—"Mr. President, Sir, I shall begin by thanking the Government for having made provision for the Papanasam Hydro-thermal Electric Scheme in the Budget Estimates for 1938–39, a request for which was made by me on behalf of my constituency during the time of the discussion of the Budget for the year 1937–38. But, at the same time, I regret that the irrigation side of the project does not seem to have received the consideration that it deserves. It is likely that the irrigation scheme will be shelved on account of the cost that it might involve. The good use of the water for irrigation is likely to bring an immediate improvement in the economic condition of the people who would be benefited. By the development of electrical schemes, both foreign and indigenous electrical goods producers will also be benefited. By that, I do not minimise the possibilities or advantages of electricity, but I only want to stress that priority should be given to the agricultural development which will benefit thousands of the poor in my constituency. I may say that I emphasise it not because I view it from a purely local point of view, but because I consider that the development of agriculture must be more urgently attended to. Anyhow, I wish and hope that the hydro-thermal scheme at least would be executed without any loss of time.

"I am certain that hon. Members of this House will agree with me when I say that it is the responsibility of the Government who collect land revenue, to carry out all constructional and repair works to irrigation sources as may be necessary periodically or when damages are caused by floods. In my district there are a number of cases of breaches of tanks and channel bunds, silting up of tank-beds and similar damages caused by floods every five or seven years, not repaired at all, but left to be attended to by kudimaramat. This only means new taxation in addition to the loss caused by floods and failure of the monsoons. I would therefore appeal to the Government to devote more attention to the improvement of existing irrigational facilities by restoring the Tank Restoration Scheme, or by such other means as would give immediate relief to the agriculturist.

"Sir, when we met last time for the discussion of the Budget, the Hon. the Premier gave us high hopes that he would give a new orientation to the entire policy of the province in his next budget. I was hoping that a number of rational changes would be introduced by the Government, but I find that the present Government are only treading along the good old footpath of the previous Government as pointed out by some of the hon. Members of this House.

"Sir, prohibition has drawn the attention of the people not only of our province, but of other provinces and even of other countries. Here, I would like to strike a note of caution in taking the reports so far published at their face value. I am sure the same impression would be left in the minds of the public, if the Hon. the Premier had given us the full report of the Collector of Salem instead of quoting a paragraph of it. Anyway, I wish all success to the scheme. It seems to be

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he policy of the Government to introduce prohibition in such a way .s may enable them, if not to get an additional income at least not to ose much of the present excise income immediately. I say so, because he Government are introducing prohibition not in districts which are :ontiguous to Salem, so that the districts may form a compact area, out in districts which though near each other. do not form a compact .rea. It looks as if the Government want to be marking time and thus)ostpone the evil day. In case prohibition is introduced in contiguous listricts by widening the circles, the loss of revenue may be felt even now and the necessary adjustment may be made gradually. The)resent policy of the Government on the other hand is likely to result n the occurrence of a crash at a time when all these districts are knitted ogether. So, to avoid a sudden and a steep fall in the revenue, the viser policy for the Government would be to extend prohibition in contiguous districts.

"With regard to the educational policy of the Government, one cannot help making some remarks which may not be comfortable to Government. When one carefully examines the proposals of the Government, it looks as if they want to convert educational development nto a department of propaganda on their own behalf. In all democratic countries education is administered by expert bodies and is free 'rom Governmental interference. But in our Presidency especially at the present day, it is just the opposite. The provision made for education is inadequate. A provision of Rs. 20,000 has been made in the budget for the compulsory teaching of Hindustani in secondary schools and as pointed out by my Hon. Friend. Sir K. V. Reddi, it is not clear whether what is proposed to be taught is really Hindustani, Urdu or Hindi. When it is stated that Hindustani is to be introduced, are we to understand that Urdu munshis are going to be appointed or Hindi Pracharakas. If Hindi Pracharakas are to be appointed, I declare that it is nothing but creating an agency to carry on party propaganda which will be maintained at the cost of the taxpayer. Further, one is unable to understand the anxiety of the Government to make it appear as if there is no opposition to the proposal, though I am certain that by this time the Hon. the Premier knows the intensity of the feeling against it of a large number of people at least in the Tamil districts. If it is the desire of the Government to improve the level of education of the people, they should not attempt to introduce a language which is foreign in pronounciation, grammar and even alphabet, but must spread education in the languages of the province. When there is the extension of franchise, it is needless to say that the education of the electorate is very urgent and essential; otherwise there is the danger of the people, ignorant and ill-equipped for the discharge of their duty, being exploited by politicians, who by using catch-words and high-sounding phrases can influence the votes to their own selfish ends. So the policy of the Government in introducing a change which is neither urgent nor popular, is ill-conceived and probably based on selfish motives. Selfish, because, it will be easier to get for the party the support of the people if they are kept ignorant, than when they are

made to understand men and things. I appeal to the Government t drop this proposal to introduce Hindi now called Hindustani by th Hon. the Premier and to adopt a bold and forward policy of raisin the percentage of literates. That can only be done by spreading com pulsory and free education and by giving adult education. I strongl plead that education should be free from party bias and party politic

"Then, Sir, development of libraries which is an instrument of adult education is closely allied with the development of democrac itself and it is surprising that in the present budget no provision ha been made for grants to public libraries maintained by local bodie The omission of the provision which the previous Governments wer usually making is a retrograde step.

"As regards the allotment made for giving aid to Khadi one canno help saying that it is nothing short of utilizing the tax-payer's mone to subsidise a semi-political and party organization. However, much may be said that the All-India Spinners' Association is a non-politic agency, it is an open secret that it is living because of the Congress an that it is working for the Congress. Hence one has to take strong excep tion to the distribution of the grant through that organization."

* Mr. PRESIDENT:—"It is time. May I know how long the hon Member will take to finish his speech?"

Mr. MEDAI DALAVOI KUMARASWAMI MUDALIYAR:— "Only five minutes more, Sir. Now, Sir, as regards the land revenu policy of the Government, much has been said here and elsewhere tha a thorough overhauling is urgent and necessary. It was an electio pledge that the land revenue would be reduced by 50 per cent and only remind the Government that the place they now assign to th problem is not the same as was given to it at the time of the election The Government should take courage to levy such taxes as the bur den of which may fall on the shoulders of only those who have th capacity to pay and give substantial relief to the agriculturists.

"Much credit has been claimed by the Ministerialists for the remis sion of the 75 lakhs that is to be made, but I wish to make it clea that it is a credit stolen from the Interim Ministry. If this Govern ment had remodelled the land revenue system on a rational and uni form basis, I can concede that the credit may be taken by this Govern ment. In brief, I stress the need for a violent change in the lan revenue policy

"I am certain that the people have not yet forgotten the old cr of the party of our Ministers before their acceptance of office tha equality of treatment should be accorded to the Europeans and Indians But it is painful to say that the present Ministry is perpetuating th old differences. I need not go into details. No other example is necessary to be quoted here in support of this view, than the permis sion given to the European Secretaries to enjoy their stay at Ooty.

"A lot of fuss has been made with regard to the release of pri soners. The policy has been adopted on account of either of the tw

reasons: one, to lessen the cost of jail administration particularly, because of the loss of income from some other sources and secondly, to strengthen the party. If political prisoners are released, it is of direct benefit to the party in power because they could count on the support of those people to adopt evil and questionable methods to support a party with the hope that the party may come to their rescue. If non-political prisoners are released it is largely with a view to effect reduction in expenditure. I can congratulate the Government if their action is the result of a general and comprehensive reform of the administration of criminal law, which would mean not the release of prisoners before their term expires, but the adoption of proposals put forward by modern thinkers such as educating criminals to learn decent ways of life, converting them into good citizens and teaching them honest ways of earning their livelihood. Instead, the Government have adopted the cheap methods which would only serve as short cuts to popularity.

"I have now to refer to another important question, viz., communal representation in services. There is a feeling abroad that the order has already been given a decent burial.

"The introduction of honorary medical service has been in my opinion very undeservedly glorified. In our unfortunate country, even the full-time paid medical officers are not administering the relief of the sick and poor people with the same spirit of service as their brethren in other countries. The sure result of that system will be advertisement of some medical men as proficient, being honorary medical men in Government hospitals and their converting that status and name into money. I think that it is not too much to say that they would have at their disposal the supplies of Government hospitals and the staff of those institutions.

"The selection of public prosecutors from the bar, the proposed restriction of magisterial appointments to law graduates and the introduction of Hindi and all such measures lead one to think that the aim of the Government is to help one particular community.

"Lastly, I come to the village roads. They are the live arteries of village life and their extension and maintenance are necessary for the economic development of the people for the efficient marketing of their produce, which is at present impossible either because of defective and bad village roads or of the absence of them. A road construction and development programme may be adopted to look to the needs of the poor villagers. Unfortunately, the present Government is not devoting even as much attention to this problem as was done by their predecessors. I could say that there is even a criminal neglect of this important relief to the villages."

DR. P. J. THOMAS:—"Mr. President, Sir, as it is now rather late, I shall not make a very long speech . . ."

KHAN BAHADUR SIR MAHOMED USMAN SAHIB BAHADUR:—"May I know, Mr. President when we are likely to finish the debate?"

* MR. PRESIDENT:—" Everything depends upon the House. I thought the discussions would finish at four, but as it is, it does not look as if we would finish by that time."

* DR. P. J. THOMAS:—" Sir, when the current year's budget was under discussion in September last, I tried to enunciate some criteria for judging the success of a budget under Provincial Autonomy, I said then that three things must be taken into account. First, the carrying out of plans for ameliorative measures; secondly, retrenchment of expenditure and thirdly, the imposition of new taxes and the reduction of the old taxes to adjust incidence to ability. I will now consider the present Budget briefly under these three criteria. In regard to the measures for amelioration, it is gratifying to find that the Government have launched some important schemes: namely, the debt Relief, Prohibition, supply of drinking water in village and aid to hand-spinning and hand-weaving. These are all good, but there is no clear indication of a well-adjusted plan before Government. Various measures are being taken in a piecemeal manner. It is true that two important causes of poverty are debt and drink and the Government have wisely decided on tackling those two evils. But I fear that the mode of tackling them is not such as to make one feel that the Government are giving their most careful consideration. Take the case of debt. We have had a very important Bill passed in this House. As I pointed out on that occasion, a Bill of that nature should have been carefully considered and various measures have to be taken to give effect to its provisions. Any scheme of debt relief must provide not only for scaling down debt but also for clearing off debt; it must also make provision for the adoption of an improved scheme of rural credit. The Government have allotted rupees fifty lakhs in the present budget for the purpose of repaying the debt of small agriculturists. This is a good gesture, but I must point out that this must not be the principal way of settling debt. My own opinion is we must provide for repayment by instalments and for the transfer of lands to the creditor. Much of the existing rural debt is unrepayable and can only be settled by insolvency and transfer of land. Therefore repayment may mean throwing away good money after bad. Where repayment is possible, we must work through Land Mortgage Banks and the grant of loans under the special loans scheme. The most urgent need to-day is a reorganization of the whole system of rural credit.

" Coming now to the question of Prohibition, a noble idea has been put into practice. The research students of the University, working on the spot, have collected evidence to show that drink has stopped in most parts of Salem. Of course in the border villages, it is not possible to prevent people going across to the shops in neighbouring districts; but merely to stop drink is not enough if prohibition is to be a success; we must go further and enable the whilom drinkers to increase their income and to raise their standard of living. I have been repeating these ideas several times in this House. Government can do much more for increasing purchasing power of the people. I do not

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ɜan that there must be more cinemas and tea shops. Already the ıema habit has grown. No doubt in several villages money has been ved, and some of it has been utilized for the purchase of cows and othing and other useful objects. It is said that in the Pongal season, ople were able to make their purchases without borrowing. I had en to Salem myself, and I have seen much to confirm these ideas. at this stage, an active campaign for rural uplift is launched in lem, *prohibition* can be used to capital account for economic improvement.

" Coming now to the supply of drinking water, it is an admirable ea. Money is to come from a fund ear-marked for this purpose and this fund will be placed revenue surpluses as they accrue. This is ost commendable and, as my esteemed friend, Diwan Bahadur Rannathan said, it is the beginning of " planned finance " hitherto we ve been wasting much revenue without launching on any beneficial ıeme. In 1927, we added to our revenues the sum of Rs. 3½ crores. ıis was largely wasted, as there was no plan before Government at e time.

" With regard to the provision made for hand-spinning and hand-aving also, I must say that the Government are dealing with important matters in a piecemeal manner. For after all, hand-spinning and nd-weaving are only two of the many small industries needing couragement. There are also larger industries. The Government ve not shown how they propose to reconcile the interests of power-oms and of hand-looms. I hope the Government will plan out the ıole policy, carefully taking into consideration the claims of the veral cottage industries in the Province. We must find out what dustries would suit the various areas and encourage such industries providing credit and making facilities for marketing. In this way may be possible to increase the income and improve the standard of ving of the people. All this requires a more comprehensive planning an has been done by Government so far.

" I now come to the most important question of retrenchment. In ptember, I pointed out that retrenchment must be taken up on a comehensive plan. A small cut in the salary of Government servants and reduction in the cost of the exodus to the Hills will at best effect ly a small saving. It is now time that we applied the principles nationalization to our administrative system. The system has grown › in a haphazard manner during the last 100 years and now that the ode of Government is changing we must cut down all adventitious owths. Of course officers managing the existing system will not admit e possibility for retrenchment; but new ideas are needed. In several partments much waste is going on. For instance, the Judicial Department, now costs us about Rs. 1 crore, but under a more rational and ɔre suitable system, cost can be drastically cut down. So, also with gard to the Forest Department. Even in the Development Department there is room for retrenchment, if rural development is attempted ı a co-ordinated basis under the District officer. In my opinion rural ɔlift must become the prime duty of the District Officer and his staff.

" In connexion with the work of rural uplift, I very much welcome the suggestion of Rt. Hon. Mr. Sastri that paid rural workers are needed. We need rural guides, trained to work as missionaries for the cause of rural improvement. We have the men; all that is needed is to select and train them in the comprehensive work to be carried out. The party now in power is noted for its idealism and can be expected to carry out such scheme. If every year, 100 rural guides are appointed, it may not be burden on the purse. One thousand rural guides may cost the country a sum of below rupees five lakhs, but if their services are properly utilized the economic welfare of the country would increase much more, and more money would come into the coffers of the state also. The amount spent in this direction would fructify a hundredfold.

" If any forward scheme is to be put into operation our revenue must increase, and therefrom the Government will have more revenues. It is no use fighting shy of taxation. If they decide to push forward the policy of Prohibition, Government will soon need more funds and therefore I hope they will come forward with schemes of taxation. No doubt there are classes in the country who are heavily taxed and their burdens must be lightened, but there are also others on whom burdens are light. We must readjust the tax burdens and equalize their incidence in some equitable manner. Even in the case of land revenue what is needed is not mere remission all round, but a careful readjustment. In some other districts the land revenue is heavy; but in others it is light. I do not congratulate the Government on its remission policy. What I recommend is an enquiry into the present method, so that areas and crops which now bear the brunt of taxation may be relieved. In this way we may readjust burdens without reducing total collections. Further the question is not one of reducing taxes but increasing productive capacity. If production becomes more efficient the present land revenue will be found to be light. Hence the need for rural uplift.

" Mr. President, I have now a word to say about the borrowing policy of the Government. I must say at once that the Government are very conservative in their borrowing policy. The Governments of this Province have all along been ultra-conservative. For long, they borrowed funds in such a manner as to obtain 6 per cent return from their capital expenditure; lately it has been reduced to 4 per cent. The slow economic development of this country is largely due to this ultra-conservative policy in regard to borrowing. Had the borrowing policy been bolder, economic welfare in this country would have risen to a higher plane. While I was in England in 1935, the well known economist Dr. Keynes told me that in his opinion the Government of India should have borrowed much more for economic development and that borrowing was justified for even constructing school buildings and for supplying drinking water to the people. The equipment needed for both last for long time; why burden the present generation

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with the whole burden? No doubt there are dangers in extensive borrowing but if provision is made for amortization, loans can be made a beneficial agency.

"I have heard the criticism that the Government is borrowing too largely. This is an unfair criticism. We must take steps for carrying out the economic development of the country at a more rapid pace, and a part of the money for that purpose must be raised by borrowing. Otherwise ameliorative measures will proceed too slowly. It is therefore time that the Government adopted a bolder policy in regard to borrowing. There is perhaps some justification for slowness in this matter. The Government perhaps wish to make this transition from the old order to the new a slow one.

"I must conclude by saying that although the budget is on conservative lines, it has many features which are most welcome. The Government is feeling its way. Before bold schemes are launched the treasury must be full and the credit of Government must be on a high plane. Therefore we must greatly value the high sense of financial rectitude which is patent in every respect of the budget. In particular, I very much value one sentence in the Prime Minister's budget speech: he says that his Government works as if it is going to be in power for a century, while being ready to go out the next morning. Sir, a Government that thinks only of to-day cannot carry out long-range policies. I hope Sir, that the Government will redeem this pledge.

"Sir, the Prime Minister is so anxious to husband the resources of the Government that even at the risk of displeasing the more advanced members of his own party he has put a brake on bold schemes. When the financial soundness of the Government is established, a more venturesome policy may be launched. We are in a critical stage in our country's history. Only by spending more money can the economic condition of the people be improved. Wise spending should be our motto. Wise spending will increase production and improve distribution. There is an impression in the minds of the people that there is fixed taxable capacity. This is untrue. If the Government spend wisely, wealth would increase and the taxable capacity would grow. Taxation capacity is itself dependent on the Government's economic policy. By increasing production in the country and by raising the standard of the life of the people, the country would become more prosperous, and thus not only will the Government can earn the real gratitude of the people, but will also raise its financial resources. Let this be the guiding principle of our Government."

*MR. S. K. AHMED MEERAN:—"Sir let me also join with the other Members is congratulating the Hon. Premier for the excellent budget which he has presented to us and especially for the various ameliorative measures which he has chalked out. At the same time, let me offer some remarks by way of helpful criticisms. I shall try as far as possible to traverse new grounds not covered by previous speakers, though I would like to talk on certain matters covered by

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previous speakers also. First of all I wish to raise the question which I raised in the last budget discussion, viz., the policy of the Government with regard to the race course at Guindy. Sir, though I raised this question during the last budget discussion, till now I have not had any reply given to me with regard to their policy. I expected some pronouncement on this occasion, because I read in the newspapers that the Hon. the Minister for Courts and Prisons went to the race course to understand the real working of the system. Sir, I want to raise this question now especially because we do not get opportunities for discussing matters of this sort, because we rarely get non-official days for discussion. We got during this session one non-official day of two hours and we were able to discuss one item of non-official business and that too remains part heard now. I have tabled a resolution with regard to this question and that has not come up before the House. So I take this opportunity at least of requesting the Government to chalk out their policy and tell us what they are going to do with regard to gambling that is going on at the Guindy Race Course. Sir, this Government wants to do so many things to the poor people. The opinion of many people is that this budget is the poor man's budget. I too join with them in thinking so. But at the same time the question is whether Government are doing what all they can with regard to the improvement of the poor. Sir, the problem with regard to the race course at Guindy does not admit of much difficulty. In the case of prohibition, it works out a loss of revenue to the extent of 4 crores to the Government and it has got other difficulties also because it is difficult to check illicit distillation of drink. But the matter I am now referring to can be practically checked by a piece of legislation completely if only the Government care to do it. I shall give only some figures to show the enormity of evil in this matter. In this particular year the taxes which the Government expect to get from the totalizator at the race course at Guindy is about Rs. 1,12,000, and another sum by way of Rs. 20,000 being taxes as book-makers' taxes. These taxes are being worked out at the rate of 2½ per cent on the amount collected in the totalizator. That means the people put into the totalizator, Rs. 44,80,000 and the money invested with book-makers comes to Rs. 8,00,000 and the total comes to Rs. 52,82,000. With regard to book-makers' taxes, the provision of law is to tax in respect of monies paid or agreed to be paid by the people to the book-makers. That is to say the figure represents monies paid or agreed to be paid by the book-maker and it does not represent monies actually paid by the backers to the book-makers. Now we have got figures to the extent of Rs. 52,82,000 by way of investment both in the totalizator and with the book-makers and I will not be surprised if the real total loss of the backer even comes to Rs. 1 crore. There are other expenses which the race goers have to incur if they want to bet. They have got to pay entrance fees to the extent of Rs. 5, Re. 1 and 4 annas to the first, second and third enclosures respectively. So in all it will come to not less than one crore. I may say that the total revenue derived from forests is not even 45 lakhs and the income from

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Registration department is only 30 lakhs. The money that is spent by the poor people in the race course far exceeds the total revenue derived by the Government from the Forest and Registration departments. So I hope that some drastic policy will be adopted with regard to this matter. If it were only possible for me, I would have brought forward a Bill to abolish the race course at Guindy. But you know how difficult it is for any of us to introduce a Bill and much more difficult to pass it into law. We got only one day, as non-official day in a year; that too a day of two hours. So under those circumstances any Bill of a private Member in this House has got very little chance of its being discussed here, apart from its being put into the statute. When that is the case, Government must come to the aid of the poor people and try to remedy this state of affairs. It is quite possible that there may be some, who may say that 'after all it is one of the various items of pleasure in which people are indulging in.' Sir, I do not think it is an enjoyment. It is nothing short of gambling in its unadulterated sense. If it is not gambling, why gambling is prohibited in bucket shops? There were a number of bucket shops previously and it was thought that the existence of those shops were injurious to the poor people and so legislation was brought in by the Government and these bucket shops were abolished. Therefore I cannot understand why such a civilized Government as this should tolerate at our very next door a race course at Guindy. Even if it is considered as recreation for the richer class of people, it must be tabooed for the poorer class of people by raising the minimum fee for the entrance to Rs. 50, so that only those people who can afford to go may go there and ruin themselves and not the poorer class of people. The Government have passed a legislation for the prohibition of drink. But at the same time they are allowing a race course at Guindy, at the very next door of the headquarters of the Government. So in these circumstances I do hope that Government will come to the aid of the poor people and try to remedy this evil by passing a legislation in some form or other.

"Then I will come to the next subject 'Administration of Justice.'

"Sir, I find from the budget figures that with regard to Administration of Justice, the income is two-fold, if I am not mistaken by sale of judicial stamps and under the head 'Administration of Justice.' The budget estimate under the head 'Sale of Judicial Stamps' is Rs. 1,06,88,400 and under the head 'Administration of Justice' it is Rs. 16,78,500. The total comes to Rs. 1,23,66,900. As against that, under the expenditure head 'Stamps—Judicial,' the demand is Rs. 1,47,000 with an addition of about Rs. 11,000 by way of expenses (as expenses for both judicial and non-judicial stamps are put together); while, under the head 'Administration of Justice,' there is a demand of Rs. 76,16,100. As I said, the total income from both these items comes to Rs. 1,23,66,900. Sir, it looks to me from these figures that the Government want to make a profit out of the Administration of Justice. Sir, let me not be understood to say that the Government

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must collect only the exact amount that will cover the expenses. If they want, let them collect something more—I have no objection; but let them not make a heavy profit to the extent of Rs. 46,00,000, which they are now making under Administration of Justice. This is really a big slice and no civilized Government ought to sell justice. It amounts to that, because the profit is so big as Rs. 46 lakhs and odd. Sir, it may be said that after all, litigation is ruinous, and that this Government is not for encouraging it. I do agree with the Government there; but at the same time, it must not be forgotten that we must not deny justice to anybody who wants it. We must try to find out a golden mean between these two extremes, i.e., one extreme which says that justice must be denied or that justice may be made prohibitive and the other extreme which says that justice must be cheaply obtained. We must find a golden mean between these two extremes. When we look at the profit of Rs. 46,00,000 from 'Administration of Justice,' one is tempted to think that justice is made costly and prohibitive. I say, Sir, that is a wrong policy. Though, as I said, litigation is to a large extent ruinous, we must not at the same time forget the fact that justice should not be denied to any one that needs it. Even the poor man must get justice for a just cause. I think, Sir, the policy of the Government has not been worked out in the light of this principle. Anyhow, even granting that the policy of the Government is that they want to discourage litigation, this is not the way. They can, for instance, restrict the right of appeal and restrict the many courses which are now open to litigants and try to see that the ends of justice are met even in the trial court. If the people come to a court, let them not be denied justice such as by being asked to pay heavy stamp duties, etc., which is now the case. Even assuming for a moment that the present policy is that litigation should not be encouraged, I say the way in which such a policy is worked out, is not conducive to that result. For example, there are very many anomalies under the Court Fees Act by which speculative litigants can get remedies by cheaper processes. On the other hand, poor people who have got a just cause, have to pay very heavy penalties—if I may be permitted to use the word 'penalty'—for getting redress in courts of law. I shall give one or two examples to show how justice is being denied to some people while ruinous and speculative litigation is encouraged in the case of some others, due to the anomalies of the Court Fees Act. Sir, suits for money in the shape of promissory notes on for mortgages are taxed very heavily and are asked to pay *ad valorem* fees. If a man wants to sue on a promissory note for Rs. 10,000 or on a mortgage deed for that amount, he has to pay an initial fee of Rs. 712-7-0. At the same time, this suit for Rs. 10,000 may not last for more than a few minutes; if it is undefended, it will be over in a very short time; and even in cases where it is defended, the defence will be very weak and perhaps will not take up much time of the Court. And for this, the litigant has to pay an initial fee of Rs. 712-7-0 by way of court-fees alone in addition to various other expenses such as process fees, witness batta, lawyer's fee, etc. As against this, in

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the case of a suit for declaration that an adoption is invalid or valid, involving a property of Rs. 10,000, the litigant will have to pay only a court-fee of Rs. 100. I am not able to see any distinction between these two suits, both of which relate to a property of Rs. 10,000. I shall take another illustration. There are suits for injunction in respect of which, under the law, the parties are allowed to fix their own valuation; for instance, a property worth Rs. 10,000 may be shown as of the value of Rs. 100 only and even less and the litigant may pay a stamp duty of about Rs. 11 and less and still engage the time of the court for days and days together. Another illustration of speculative and ruinous litigation going on for a cheap price is that relating to election disputes in regard to panchayat court membership, etc. In regard to these matters, the fee fixed is definite, although these cases may engage much of the time of the court and give a lot of trouble also. This is an illustration of cheap justice which is now being encouraged by the Court Fees Act. I, therefore, say that even if the Government want to stop this ruinous and speculative litigation, they must try to put heavy fees on these suits and try to reduce the court-fees in respect of suits for money on promissory notes and mortgages. It looks to me as if the cantankerous litigant can get justice at a cheap cost in a court of law, whereas a man with a valid claim has to pay a very heavy sum if he wants to get justice. This question, therefore, will have to be tackled at the earliest possible moment, and I hope the Government will do it.

" Connected with this question is the question of the separation of the executive from the judiciary. I do not want to take up much time of the House over this question, because I myself, only a few days ago, dealt with the subject in a resolution. Even on that day, I was not fortunate enough to know the views of the Government on this vital question. Even on the occasion of the last budget, I raised this question on the floor of the House and I was not fortunate enough to know the views of the Government. I hope, Sir, that the Government, at least now, will say what they have to say in respect of this matter. If they give their views in this House, we might know where we are and try to do something independently, by ourselves, whether we succeed or not. One important point which I should like to place before this House in this connexion is this: this Government, unmindful of the cost and practically as soon as it came into power, by a mere stroke of the pen, ordered that butter-milk should be supplied to prisoners at a cost of about Rs. 75,000, and to-day, we find in this budget, a provision of Rs. 13,000 and odd for supply of bedding to prisoners in the lock-up. Sir, it looks as if the Government are putting the cart before the horse; they do not care to safeguard the liberties of the individual outside before he is put into the jail or the lock-up, and they try to give him butter-milk, bedding and other comforts after he is safely lodged in the jail. What does it mean? Why should you not try to separate the judiciary from the executive and safeguard the liberties of the individual? That is why I say they are putting the cart before the horse. One hon. Member in dealing

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with this question said: 'we are engaged in greater issues, we are not going to oil the administration.' What does he mean? If this is not oiling the administration, perhaps it is greasing the administration.

"Sir, I do not want to take up more time. I shall only say a word or two on the question of honorary medical service. Personally, Sir, I should be glad if it turned out to be a success; but I have my own misgivings. I do not know how far it will be a success in this sense, that it will not lead to corruption. I do not mean that because the Members do not get their salaries, therefore, they will necessarily become corrupt; anyhow, they have got to be paid for their labours. Already there is a lot of complaint that even to-day it is very difficult to get admission to beds in the hospitals unless something is paid to some of the medical officers. It may be true or it may not be true, or it may even be prevalent in a small scale. But I fear it will lead to great trouble if this honorary system is applied in a large scale. I bless the scheme of course and wish it every success, if that is possible.

"With regard to the question of land revenue, I have to ventilate a few local grievances. This question of remission has cost us something like Rs. 75 lakhs; and consequently in certain districts, last year and this year the pre-settlement rates have been allowed to continue. There are certain permanent wet lands which, under this remission scheme, will get the benefit and will be paying about Rs. 6, Rs. 7 or Rs. 10 per acre. But at the same time there are dry lands which are being charged water-rates, which do not get any remission. I am referring to some taluks in the Madura district which are irrigated by the Periyar Project, and they have to pay about Rs. 18 per acre as against the Rs. 6 to Rs. 10 paid by the permanent wet lands. It looks very anomalous that wet lands which yield more should be taxed less while dry lands which are not permanent wet lands have to pay Rs. 18 and Rs. 15, although they get the benefit of the water, for which these water-rates are charged. This is unjust, if not anomalous.

"Then, Sir, I join with the previous speakers in their remarks about the restoration of tanks. These tanks were doing good service in the good old days, and after the advent of the British regime in India, the tanks were for some reason or other neglected, and thus, these sources of irrigation had gone out. We have not, therefore, been getting the benefits which we would ordinarily get if we could store rain-water in these tanks. I, therefore, appeal to the Government to take effective steps for the restoration of the tanks in all the villages and try to meet an urgent need which the villagers are feeling.

"With regard to the Agricultural department, I shall like to say a word and also about the Veterinary department. These two departments seem to exist more for administrative purposes than for doing any good to the people.

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"Most of the expenses go towards meeting the cost of the fficers and the establishment. The villagers do not know even he existence of the department. For example, there is only one gricultural demonstrator for one taluk. One taluk as you know onsists of so many hundreds, if not thousands, of villages and what an that one demonstrator do; what sort of propaganda can he do? Vhat sort of advice he can give to the ryot? So he does not visit ll the villages, even within the course of one or even within the ourse of five years. He does not actually come into contact with the iller of the soil and try to give him improved methods of cultivation r to find out what are the reasons which make the land yield less han in other countries, acre for acre. So it looks to me that these wo departments are not doing any real substantial service. So would suggest that instead of having one demonstrator or perhaps ne officer over a large area of so many districts, it would be far better f the Government concentrates itself on a certain particular area, not nly by the opening of model farms but by actually coming into contact ith the people and trying to meet their needs, with regard to their articular grievances, in regard to bulls, in regard to manures, seeds, tc., and demonstrations with regard to the efficacy of the improved ıethods of agriculture. It would be far better if they do concentrate ı one taluk instead of diverting their energies on a whole district r even two or three districts and thereby practically doing nothing. t seems to me something like a proverb in Tamil which says that f you mix asofoetida in a wide ocean its smell will not be felt ıywhere. (Interruption saying, 'say it in Tamil.')

"One thing with regard to excise and I am finished. Of course, I m for prohibition and only wish it success in the other two districts f Cuddapah and Chittoor. But I must also take note of the objections nd criticisms levelled against this department by Sir K. V. Reddi ayudu. Sir, there is excess income this year as budgeted for between ıe Budget Estimate and the revised estimate, and the increase is) the extent of Rs. 15,62,600. Of course, it does not mean that rohibition in Salem was a failure. But it shows—and the Budget Iemorandum definitely shows—that there has been increased consump- on under both heads, namely, in the fermented liquor and in the ountry spirits. So the Government must try to follow effective ıethods by way of propaganda or by other means to check the evil in ther districts while prohibition is introduced in one district. It is no e putting prohibition in one or two or even three districts and at the ıme time allow this demon to spread to other districts. Finally shall quote a line from the Budget Memorandum itself under the eading *Country Spirits*, which runs thus: 'The increase in the evised estimate for 1937–38 is due to the general increase in con- ımption, and also with regard to the country fermented liquor. . .'

"With these remarks with regard to the Budget I once again ongratulate the Hon. the Premier for the ameliorative measures he as provided for in the Budget."

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* KHAN BAHADUR MOULVI GHULAM JILANI QURAISHI SAH BAHADUR:—" Mr. President, Sir, if one like myself who does n pretend to expert knowledge of the Public Finance and can only spe from casual observation, may be permitted to speak on the Budg that has been engaging the attention of this House, I crave yo indulgence for making a few general observations.

" In the first place then, I wish to state that the assertion of t maintenance of equilibrium between revenue and expenditure is sat factory. But it becomes of doubtful value when it is read in conjur tion with an equally positive assertion made in the speech of t Hon. the Premier that the position at the end of the year would be shortage of 110·43 lakhs as against remunerative capital expenditu planned for the year to the extent of 2¼ crores which cannot provided for unless a loan of 175 lakhs be floated in the course of t next year. It is remarkable that without the contemplated loan, may not be possible to maintain the agreement with the Reserve Ba of keeping a deposit of 40 lakhs and to provide the requisite fun to the extent of 15·35 lakhs in the Provincial treasuries and su treasuries. These facts cannot but cause anxiety, concern and d appointment in the public mind and accentuate the view that t finances of this province are not happily as stable and sound and claimed.

" The question of land revenue remission as tackled by the Gover ment cannot but intensify the disappointment of the peasants w have, because of the high incidence of land revenue taxation, be groaning under grinding poverty and expecting immediate permane relief in view of the election promises of the Congressmen and t unequivocal declarations made by their leaders from time to time to t effect that the incidence of land revenue taxation would appreciab be reduced. Such being the case, there is no obvious reason, Sir, w the Government, which has the honour to belong to the Congre organization, should fight shy to implement their solemn electi pledges in this behalf. Their failure in this direction cannot but characterized as breach of faith on their part, if I may be permitte Sir, with your indulgence to say so. That Government should ha decided only to remit 75 lakhs, originally proposed by the muc maligned Interim Ministry cannot but arouse deep feelings of gratitu in the minds of the ryot towards it. It is admitted on all hands th an appreciable permanent reduction of land revenue is the princip solvent of the economic emancipation of the ryots and no oth problem is more imperative and urgent than this. It is hoped th the Hon. the Premier who has been laboriously endeavouring for t achievement of the well-being and prosperity of the ryots and the po agriculturists, will soon devise ways and means in this behalf ar in order to find the requisite funds, will apply financial shears some other directions wherein it may be necessary to prune wastef expenditure on uneconomic and unremunerative enterprise.

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" I shall now say a word regarding redemption of debts of agriculturists. The Hon. the Premier deserves thanks for the ungrudging provision of 50 lakhs to be advanced by way of loans, of course, charged with interest, to certain favoured classes of agriculturists for repayment of their debts expected to be statutorily scaled down. It must be realized, Sir, that this is not adequate enough. At any rate, the Hon. the Premier ought not to claim credit either for his Government or for his party, for such scaling down of debts which is but the direct and vicious result of the expropriation of numerous honest creditors. Barring communistic principles at the bottom of such expropriation, there is hardly any justification for the manipulation of agriculturists' debts in the high-handed manner in which it has been attempted to be done. It is manifest enough that Government do not seem to have done anything substantial, notwithstanding their loud protestations to the contrary, to alleviate the sufferings of the peasantry and improve their economic condition. The more so, if it be remembered in this connexion that even the former Government had allotted substantial funds for redemption of these voluntary scaled down debts.

" I wish to say a word about khadi and the levy of a licence fee on cloth shops. A sum of 2 lakhs has again been allotted for handspun hand-woven khadi and a licence fee imposed on cloth shops not dealing exclusively in khadi. To my mind this move for the promotion of the industry of khadi is not in line with modern industrial and agricultural developments. It appears to me, Sir, that the Congress has not freed itself as yet from an atmosphere of insularity and prejudice. There is no good reason why the mill cloth should be tabooed. Mill industry is in fact an Indian industry. It is not fairness and justice to make discrimination against the productions of the Indian mills. The Government of India Act forbids such discrimination not only against British commercial interests but against Indian commercial interests as well. The levy of tax, however small it may be, under the fictitious name of licence fee, is beyond the fiscal powers of the Provincial governments under the new Government of India Act.

" I shall now pass on, Sir, to the interesting, though at first sight unpromising, policy of prohibition launched by Government in the district of Salem. We are happy to learn that the Prohibition Act brought into force on the 1st of October last, has been working satisfactorily and has effectively stopped consumption of intoxicating drugs and drinks. There is a very strong popular opinion in favour of prohibition in several other districts. It being so, there is no reason for the restriction of its extension to two neighbouring districts of Chittoor and Cuddapah only. In the present posture of circumstances it should have been extended to the other districts also where the popular opinion demands it.

" Dilatory process in a vital matter of this kind should be avoided. Funds spent in enforcing prohibition cannot but be deemed to be

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remunerative expenditure, as remunerative as funds spent on irrigation, though in a different way. Its direct benefits would be not only moral but also material. It will indirectly in its ultimate results bring in returns to the addicts convertible into rupees, annas and pies. Doubtless provincial revenues would become lean by the loss of fat excise revenue; but this factor should not deter Government from pursuing a beneficial policy for the betterment of the masses and for their economic, social and moral advancement. If I may be permitted to suggest, Sir, this loss can more than amply be made good by regulating the trade of coffee and tea restaurants which are causing a great havoc countrywide and by levying a prohibitive tax on them. The hard-earned moneys of the poor and middle classes not spent in intoxicating drinks are thrown away into these coffee and tea shops without any scruples, leaving very little for the upkeep of their families in a comfortable way. Will not then, Sir, domestic quarrels and domestic unhappiness arise? Is it not the duty of Government to step in and prevent them?

"I wish to make a few remarks about the new revised scales of salaries. New revised scales of salaries are estimated to bring in an annual saving of 16 lakhs of rupees probably in the course of a quarter of a century or more. Economic grounds are urged in support of it. But I make bold to submit, Sir, that the motive is not one that would redound to the greatness of Government. The fate of the services should not be trembling in the balance at every change of a Ministry. Such a predicament is in no way just to the services whose loyalty and efficiency cannot but evoke admiration and appreciation. It should be conceded that any instability and insecurity in the conditions of the services cannot but imperil the efficiency and purity of the administration. A great and powerful Government should be committed to a certain amount of magnanimity in their dealings with their servants and I would humbly urge that such a magnanimity of attitude should obviously assume the importance of a duty dictated by State policy. But waiving this argument which may be charged with savouring of sentiment, I would submit, Sir, that even on economic grounds the new revised scales of pay have very little to recommend them as the saving will not, at any rate, for a long time to come, amount to anything tangible, as I have said before. However this may be, the ground of introduction of these new revised scale of pay being admittedly economy and curtailment of expenditure on administration, I ask, Sir, why steps should not be taken to ensure the annual saving of 16 lakhs of rupees at an early date? If it can soon be accomplished, the problem of unemployment also may be solved to some extent. Compulsory retirement at the age of 50 or after an effective service of 25 years may bring about this result sooner than anticipated. What are the considerations that stand in the way of Government pursuing such a policy? If it be put into practice without hesitation, Government would certainly earn the thanks of the unemployed.

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"Sir, I shall now proceed to touch briefly upon some of the questions affecting my community. I shall first start with the question of representation of my community in the Ministerial appointments recently made and in the Public Services. I am glad that the Hon. the Prime Minister has recognized the value of communal representation and has given effect to it in making the Ministerial appointments. But so far as regards my community, he has not shown that extent of solicitude in this matter which it ought to expect because of its political importance. The demand that we should receive a fair share of State patronage is not an unreasonable one and every willingness and goodwill should be shown on the part of Government to concede it. If we are to be governed by the representatives of a majority party, will it be reasonable to deny to the less numerous and less favoured nationality a right to demand that their ambitions and aspirations should be guaranteed and their susceptibilities spared? There are, it is true, the stock answers to these objections based upon theoretic platitudes but no practical outlet from the bewildering labyrinth which they present. We have to trust to the change of heart and goodwill of Government which happily now rules over our destinies for the true solution. A careful and dispassionate examination of the question will, however, show that there is much in this standpoint that needs the earnest consideration of everyone whatever be his nationality or creed who has the interest of the country at heart. It cannot be gainsaid that a fair representation of a community in the services means the acquisition of political power and cannot but uplift the status of that community. The present Government must realize that all peoples inhabiting this province have an equal right to knowledge, to be healed of sickness and suffering and to enjoy its wealth in common with others. Such being the case, I ask, Sir, 'Is this fair and equitable that there should have been thrown only two Ministerial appointments to the politically important Muslim community, out of a total of 20 and no Muslim should have been proposed by the party in power for any of the four offices that go by election? If it is due to the fact that there is not a sufficient number of Muslims in the Congress ranks, I must, if permitted, characterize this attitude as reactionary. Why should not have men been drawn from other political parties and why should they be tabooed? Is it a sound policy to coerce one into signing the pledge of the party in power before he can aspire to any such appointment or office? Will this not make that person surrender his independent judgment and conviction and turn out to be a traitor to his principles? Can such a turncoat be depended upon and be deemed to really represent the people? However this may be, no political principle would be violated if a fair representation be given to the Muslims in the public services. This has been the grievance of the Muslims for long and a great sore on their minds. It is hoped that the present Government will see its way to redress the grievance and heal the sore. There is reason to believe that the generality of Muslims in this province feels it a grievance that Muhammadan judges are not more frequently and in adequate

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proportion appointed on the High Court and the other courts in the Presidency. Since the creation of the Madras City Civil Court, no Muslim was appointed a judge to that court. Is it an extravagant request on our behalf that at least when it is possible a Muslim should be recommended to be elevated to the Bench of the High Court seeing that there is at present no paucity of efficient men in the Muslim community?"

* MR. PRESIDENT:—"*The hon. Member has taken nearly half an hour. It is time for him to close.*"

KHAN BAHADUR MOULVI GHULAM JILANI QURAISHI SAHIB BAHADUR:—"I have not taken much time.

"The provision made in the Budget under Education for the ensuing year exceeds the expenditure in 1936–37 by $5\frac{1}{2}$ lakhs. It is not known how much has been earmarked for the education of Muslim boys and girls. That the medium of instruction should be the mother tongue has been conceded. But so far as regards the Muslim community *is concerned, no suitable provision seems to have been made for instruction being imparted to them in their mother tongue.* I know that *in almost all the mufassal towns, Muslim children are generally* handicapped *for want of* Urdu-knowing teachers and their progress is thereby retarded. It is the duty of Government to redress these grievances. In this connexion, I must invite the attention of the Government to the lack of a suitable accommodation for the Government Islamiah High School, Trichinopoly. The question relating to it has been hanging fire for a very long number of years. The present rented building is unsuitable and injurious to the health of the pupils attending it. It is not conducive to their physical development, mental agility and capacity to absorb instruction. The importance of healthy environment in education cannot be over-emphasized. The question of a building for this institution has been before Government since 1923. During the last two years it was said that plans and estimates were being got ready and it was hoped that the work would begin during the ensuing financial year. But unfortunately, there is no provision made in the Budget for its construction although considerable funds have been provided for less urgent and less important works such as the residential quarters for certain officers, which could wait without any physical or mental injury to those officers.

"It is unfortunate that the Hon. Minister for Public Works should have overlooked this matter. I appeal to him in the circumstances to take immediate steps to see that the work is begun without delay in the interests of hundreds of young children attending the said school.

"I wish to say a word about Hindi and finish my remarks. The contemplated scheme for the introduction of compulsory Hindi in 125 schools has caused grave concern and resentment and considerable excitement among the Muslims and the Dravidians. There has been a very large volume of organized public opinion throughout the province against the scheme. But Government has flouted it. This

cannot but be deemed to be a challenge to the people of this province. No convincing reason has been advanced in support of it. It is paradoxical that those who profess to be the servants of the public, should arrogate to themselves dictatorial authority. It cannot but be admitted that Hindi is an Aryan vernacular language prevailing in a few parts of North India and has not attained such perfection as to claim to be a *lingua franca* unlike Urdu which has been evolved, grown and developed by the joint exertions of both Hindus and Muslims. If, at all any vernacular language is to be implemented as a unifying link, it can be no other than Urdu. If communal concord and amity are to be achieved, universalization of Urdu alone can bring it about, the question of the script not being considered sacrosanct, as the President of the Congress recently said. Such is the unbiassed and dispassionate opinion of the Hindu Savant and eminent jurist, Sir Tej Bahadur Sapru. Muslims cannot view this move, therefore, with equanimity. Is it because Urdu is the cultural production of the Muslims, it should be given the go-by and not adopted as the common language?

" The next pertinent question is why should a foreign Aryan language be imposed upon the Dravidians of South India to the prejudice of their culture and literature. This has not been answered satisfactorily so far.

" It hardly seems necessary to emphasise that the Government's policy in this matter should be and ought to have been that instruction in Hindi should be made purely and solely on voluntary basis. The people will have no objection whatever for a policy of which free choice and freedom from any kind of compulsion are fundamental principles."

* KHAN BAHADUR SIR MAHOMED USMAN SAHIB BAHADUR :—" Sir, I have no hesitation whatever in offering congratulations to the Hon. the Finance Minister for the very clear statement he has made to this House and for the presentation of a very good Budget. I am glad, Sir, that there has been no new major taxation contemplated in the Budget of this year. I sincerely trust that this will be the case next year also. The Government have gone, I think, in the right direction in not bringing forward any major measures of taxation, and in increasing the registration fees. We should remember that on account of the introduction of prohibition, the Government will have to lose ultimately about Rs. $4\frac{1}{2}$ crores. They should always keep this fact in mind in framing future Budgets. Instead of bringing forward any major measures of taxation, I think it is better that the Government should examine if they cannot increase their resources in other ways like the increase in the registration fees. If prohibition is to be a success, as I have said, the Government will have to lose ultimately a big slice of revenue. In order that the administration might be carried on efficiently, I think, the Government will have to make retrenchments in all directions. Great reforms should go hand in hand with retrenchment. I am glad that a sum of Rs. 50 lakhs has

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been allotted in the Budget for facilitating the working of the Agriculturists' Debt Relief Act which I sincerely trust will receive the assent of His Excellency the Viceroy and will soon become the law of the land. As has been pointed out by several hon. Mmbers, the provision of Rs. 50 lakhs is not sufficient. I sincerely trust that the Government will be able to provide more money in order to facilitate the working of this Act.

" I should take this opportunity once again of bringing to the notice of the Prime Minister, an important matter which I have brought to the notice of this House on a former occasion. In spite of the statement made by the Prime Minister on the floor of this House, there is still going on a no-rent campaign in some zamindari areas. I think it is high time that the Government should, with a firm hand, put down this unhealthy propaganda. To-day this is the case with the zamindari areas; to-morrow it may spread to the ryotwari areas also. It will be very difficult for the zamindars to pay peshkash to the Government, if this propaganda goes on.

" The Automobile Association of Southern India have compiled a statement of the motor accidents due to pedestrians. I find that the total number of such accidents for the whole Presidency during the first nine months of 1937 is 1,313; the pedestrians contributed 504; there were 58 accidents in the City of Madras and the pedestrians contributed 34. I think this is rather a high percentage. It is time that the Government should take some definite action to see that these accidents are considerably reduced.

" The Suppression of the Immoral Traffic Act has been working successfully in our Presidency. It has been introduced in 22 towns and from the various reports that have been received by the Government from the District Magistrates, oue can see the need for a rescue home. I would request Government to see that a rescue home is established in the City of Madras. A rescue home will serve the whole Presidency. At the same time the municipalities should be asked to put up shelters where the rescued girls can he kept for some time till they are sent by the order of the Court to the central home in Madras. I sincerely trust that the Government will do the needful in the matter.

" I am glad that the Government have seen their way to assist the Pachaiyappas College to get itself removed to a healthier and less congested place and thus remove a longstanding grievance.

" Another matter to which I should like to refer is the Government Muhammadan College. This college was brought into existence about 20 years ago, in order to encourage Muslim education. I think it has been a success. According to the resolution of the Board of Visitors to that college we are now admitting Hindu students as well to prevent the Muslim students from being educated in seclusion. I, therefore, feel that the Government should do their utmost to see that that institution is brought up to date in every way at an early date.

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" I should like to ask the Hon. the Premier as to what exactly he means by Hindi. As I understand it, Hindi is the language of the people in Northern India written either in Arabic or Devanagari script. I request him to let me know. If the Arabic script is used, I do not think that Muhammadans will object to it. The tendency of the present times is for the Muhammadans to learn Urdu even though it may not be their mother tongue. Of course the case is different, as regards our Hindu friends. They have to learn another script, Devanagari. Opinions differ. Personally I think that it is better if Hindi is made optional and its study encouraged in every way. My fear is that, on account of the competition between the South Indian languages and Hindi, the English language might recede to the background. I think our debt of gratitude to the English language is very great. Our very ideas of freedom and liberty that we now entertain are due to English education and to the influence of English literature, history and political philosophy. That being the case, whatever reforms are introduced in the field of education, nothing should be done to give a subordinate place to the study of the English language.

" If prohibition is to be successful, there ought to be reduction of expenditure in various directions. On the whole, I agree to the reduction in the salaries of the Government servants as proposed in the Budget. After all, Provincial Autonomy does not mean that we should simply carry on the administration as before. Provincial Autonomy does not mean the replacement of European Members by Indian Members on the Treasury Bench. Even now it is possible for a non-official European Member to be in the Cabinet. What is wanted is that there should be a new angle of vision in our approach to public questions by means of which we should improve the condition of the poor people to a considerable extent. I think every effort should be made to carry out this object. That is why I justify the reduction in the salaries as contemplated in the Budget.

" Sir, I entirely agree with what the Rt. Hon. V. S. Srinivasa Sastri said with regard to prohibition. Prohibition should be extended slowly and cautiously. If you introduce it in all the districts at once, it will put the administration quite out of joint. It is not practical politics. It is better that we should introduce prohibition slowly and cautiously, even if it takes 15 years to make the province dry. No political party can ever repeal this Act. No political leader can ever go to the country and do propaganda for promoting or encouraging drink. I am glad that the two districts of Chittoor and Cuddapah are in the lucky position to have prohibition introduced. I was very much interested to read the report of Mr. Dixon. I have sat on the Treasury Bench for nine long years and I always stood by the reports of the District Collectors. Why should we disbelieve them? My views as regards that have not changed because I am here to-day in the Opposition. I think no administration can be carried on if we are not going to stand by the district officers and their reports. Further I know Mr. Dixon very well. He was my Deputy Secretary in the Education Department when I was a Member of Government. He is a very

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conscientious and able officer. He has been entrusted with the task of introducing prohibition in Salem. I congratulate him because he has done his duty most faithfully and if prohibition has failed, he would not have hesitated to say so. We should attach the greatest importance to Mr. Dixon's report and what he thinks of prohibition. If it is going to be a great success, it does not matter if the country loses Rs. 4½ crores of revenue. It does not matter if we lose Rs. 4½ crores if we are going to raise the moral tone of the ryots of this Presidency and make the lives of the poor people happy.

"In the introductory statement the Hon. the Premier has referred to one or two political questions. He has referred to the recent political crisis. I am glad that that crisis has evaporated, thanks to the spirit of accommodation that was in evidence on both sides. He also speaks of the riddle of the Central Government. I should like to say that even the riddle of the Central Government can be solved and the nightmare will disappear, if only there is goodwill and co-operation on both sides. I am sure that with this goodwill and co-operation it is possible to establish the all-India Federation from which both the Congress and non-Congress parties can work together for something practical and definite, namely, Dominion Status for India within the British Empire. I have very great pleasure in offering my warmest congratulations to the Hon. the Premier on the excellent Budget he has presented to this House."

* MR. PRESIDENT:—"The Council stands adjourned to meet to-morrow at 11 o'clock."

III.—PAPER LAID ON THE TABLE OF THE HOUSE.

Pamphlet on the Papanasam Hydro-Thermal Electric Project.

THE MADRAS LEGISLATIVE COUNCIL.

Wednesday, the 9th March 1938.

The Council met at eleven of the clock in the Council Chamber, Fort St. George, Mr. President (THE HON. DR. U. RAMA RAO) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Costs of litigation in various civil courts in certain districts and steps taken by Government for minimizing such costs.

* 56 *Q.*—MR. J. A. SALDANHA: Will the Hon. the Minister for Courts and Prisons be pleased—

(*a*) to place before the House a comparative statement showing the costs (by way of court-fees and separately otherwise) of litigation (original suits, appeals and execution of decrees) in the several civil courts (apart from panchayat courts) in the towns of Guntur, Coimbatore, Calicut and Mangalore, in the years 1934, 1935 and 1936;

(*b*) to state what the causes as ascertained by the Government are for the increased costs of litigation apart from court-fees; and

(*c*) to state what steps the Government have decided to adopt for minimizing such costs?

THE HON. MR. K. RAMAN MENON:—"(*a*) A statement [a] showing the costs of litigation by way of court-fees is laid on the table. As regards costs under 'other than court-fees,' information is not available.

"(*b*) & (*c*) Do not arise at present."

Cutting of berms in respect of channels.

* 57 *Q.*—RAO BAHADUR M. RAMAKRISHNA REDDI: Will the Hon. the Minister for Revenue be pleased to state—

(*a*) whether it is a fact that the ryots in Government areas are compelled in the name of kudimaramat to do the work of cutting berms even in the case of channels which are 10 to 20 feet deep in addition to silt clearance and the removal of vegetation on the banks of the channels; and

(*b*) whether the Government are considering the question of executing such works at the Government's cost in the first instance and then leave the maintenance to the ryots?

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[a] Printed as Appendix I on page 494 infra.

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THE HON. MR. T. PRAKASAM:—" (a) & (b) The ryots are not so compelled. The Government recently sanctioned the cutting of berms in respect of certain channels the ryots under which executed agreements that they would maintain the berms in good condition by kudimaramat labour after they had been cut at the cost of the Government."

RAO BAHADUR M. RAMAKRISHNA REDDI:—" May I know whether it is a fact that in the Northern Circars there is no obligation on the part of the ryots to carry out what is called kudimaramat in respect of certain channels? "

THE HON. MR. T. PRAKASAM:—" Notice, Sir."

RAO BAHADUR M. RAMAKRISHNA REDDI:—" May I know what classes of works come under the definition of kudimaramat? "

THE HON. MR. T. PRAKASAM:—" I should have expected the hon. Member to have known about the nature of the works which come under that definition. It refers to ordinary minor repairs to the irrigation channels and other things which the ryots would have ordinarily carried out even without any agreement between them and the Government and even without the Kudimaramat Act."

RAO BAHADUR M. RAMAKRISHNA REDDI:—" May I know whether any representations have been received by the Government from the district officials as well as non-officials in which they have asked the Government to state their definite policy in the matter of the kudimaramat and how far it applies to the repair and maintenance of channels? "

THE HON. MR. T. PRAKASAM:—" Several representations have been received from various districts. The Government are considering as to what should be done in regard to the Kudimaramat Act and what should be done if the ryots fail to carry out their portion of the work under contribution system. All these matters with regard to the Kudimaramat Act are under the serious consideration of the Government with special reference to the various representations which have been received."

Breaches in the tank in Gozulamandiam village of Chittoor district.

* 58 Q.—RAO BAHADUR M. RAMAKRISHNA REDDI: Will the Hon. the Minister for Public Works be pleased to state—

(a) the number of times the tank in the Gozulamandiam village of Chittoor district breached since 1930, the cost incurred for closing such breaches, the amount of revenue remissions granted under the ayacut on each occasion and the probable loss in income sustained by the ryots; and

(b) whether there have been any representations from the ryots to strengthen the entire bund to avoid further breaches, and if so, the action taken so far?

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THE HON. MR. YAKUB HASAN :—" (a) & (b) The Government have no information but have called for a report."

RAO BAHADUR M. RAMAKRISHNA REDDI :—" May I know when we can expect a detailed report with regard to this matter? "

THE HON. MR. YAKUB HASAN :—" We have called for the report and we cannot say how long it will take. In any case, it will not be received before this session is over."

Alleged maladministration by the President of the Cuddapah District Board.

* 59 Q.—MR. L. SUBBARAMA REDDI: Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether any representations have been received by the Government regarding the maladministration by the President, District Board, Cuddapah, and if so, when;

(b) whether the Government have taken any action on these representations; and

(c) if so, what?

THE HON. MR. B. GOPALA REDDI :—" (a) Representations regarding the maladministration by the President, District Board, Cuddapah, were received by Government in September 1937.

" (b) & (c) The matter is under consideration."

MR. L. SUBBARAMA REDDI :—" May I know whether the Government have received the reply from the President, District Board, Cuddapah? "

THE HON. MR. B. GOPALA REDDI :—" Yes, it has been received by the Government."

MR. L. SUBBARAMA REDDI :—" May I know what action the Government propose to take? "

THE HON. MR. B. GOPALA REDDI :—" The matter is still under consideration."

UNSTARRED QUESTION

Publication of an industrial guide.

32 Q.—MR. J. A. SALDANHA: With reference to the supplementary answer given on 21st December 1937 to my question No. 7, will the Hon. the Minister for Industries and Labour be pleased to state what measures are adopted or are proposed to be adopted for carrying out the proposal for publishing an Industrial Guide based on experience of the Department of Industries for use by the public?

A.—The Government are awaiting the proceedings of the Ninth Industries Conference, on receipt of which the question of adoption of necessary measures will be considered.

[*Note.*—**An asterisk (*) at the commencement of a speech indicates revision by the Member.**]

II.—GENERAL DISCUSSION OF THE BUDGET FOR 1938–39—*cont.*

* KHAN BAHADUR SIR MAHOMED USMAN SAHIB BAHADUR:—" Sir, you were pleased yesterday to say that two hours to-day would be allotted to the Government for their reply. I understand that some hon. Members on this side and one or two on the Government side also would like to speak on the budget to-day. May I suggest that the first hour may be allotted to these hon. Members and the second hour to the Hon. the Premier? "

* MR. PRESIDENT:—" Yes, Mr. Peddi Raju may speak."

* MR. P. PEDDI RAJU:—" I thank you, Mr. President, for giving me this opportunity to make a few observations on the budget. This Council has no right to vote on the demands but it is expected only to discuss the budget in general. While congratulating the Government on the new orientation they have given with regard to rural development, on the policy they have adopted with regard to water-supply in rural areas, reduction of grazing fees and extension of medical relief in rural areas, I may say that other things which conduce to the benefit of the rural areas have not been seriously tackled yet. Coming as I do from the delta areas, my first complaint against the Ministry is that they have not been pleased to tackle the question of the drainage of the deltas. It is an age-long question and I am glad, Sir, that the Hon. the Minister for Public Works was pleased to visit my district. During the three days he went round my district, there was not a minute when he was not troubled by large gatherings of ryots who asked him to improve the drainage system of the delta. The Godavari system was undertaken about 70 or 80 years ago and then the Government never thought that it would improve as it has done now. They thought that the money invested in the delta would not be a profitable investment. So, Sir, in the orginal works they did not take the question of drainage into consideration or even the question of communications. In all the new projects undertaken by the Government during the last quarter of a century, the Government have taken care to provide for sufficient drainage along with the project itself. For instance, in the Cauvery-Mettur Project which costs nearly 8 crores of rupees, the Government have spent about Rs. 2 crores for providing drainage all along the course of the project. They have spent large sums of money for forming roads on canal bunds, constructing culverts and bridges. Even with regard to small schemes costing about a lakh or so, the Government are now taking care to provide for drainage and communications along with water-supply. But with regard to the Godavari delta works, from 1847 up till now the Government have not spent any money on communications or drainage. After all the cost of the project was only Rs. 2 crores and the Government have been realizing an income of Rs. 55 lakhs every year. The net profits on that system alone comes to more than 20 per cent excluding the charges for maintenance and establishment and everything else. The total net surplus

on account of irrigation projects in this Presidency is about Rs. 30 crores. The net profit that accrued from the Godavari delta is about 14 crores. It is estimated that 10 lakhs of acres are irrigated in the delta every year either as single crop or double crop lands and the revenue derived is about Rs. 54½ lakhs. But what is the money which the Government are spending for maintenance and repairs or for drainage. Figures have been worked out and it is stated that the Government are spending Rs. 1·4 for every acre of land irrigated. But so far as the delta is concerned they are not spending much on working expenses, on establishment charges—both on the civil works side and on the revenue side. My contention has all along been and I have urged this thing before the Council for the last 15 years, that the Government must spend at least two annas an acre for the improvement of the drainage. It is estimated that this area is getting a produce worth 5 crores from the delta system. It is a fact that large income is derived by the ryots. But the ryots do not get a full crop. According to the administration report, the ryots of the delta get only a seven anna crop. This is due to the defective drainage of the delta. If the Government want to improve the condition of the masses in the delta, they should spend at least 2 lakhs of rupees on drainage in the Godavari delta areas and this will increase the produce of the delta from five to six crores of rupees. Sir, this year we had no rains and therefore there was no drainage trouble and we had a bumper crop worth six or seven crores while in the upland portion of the district people suffered considerably for want of rains and water. No dry crop could be raised. In a bad year like this when both the south-west monsoon and the north-west monsoon have failed, there is a bumper crop in the delta. So it is patent that the Government should, if they want to improve the condition of the masses in the delta, attend to the problem of drainage. What applies to the Godavari Western Delta applies also to the Kistna delta.

"Sir, there is the Torigedda project which has been much talked about both in the Press and by the Ministry. The Ministers have promised that the scheme would be included in the budget this year. Unfortunately we do not find anything for that purpose in the budget. There is no use of saying that the Government will provide for this project and that project. There must be a systematic investigation of the whole scheme of drainage in the district and a lump-sum provision of at least Rs. 2 lakhs a year must be provided. During the recent tour of the Hon. Minister, he was told by the heads of departments in the district that a large grant should be provided for four or five years in order that these drains may be made to work properly. Later on the amounts may be cut short. After a good deal of agitation, Sir, the Yenamadurru drain was improved, but sufficient funds are not allotted every year for the maintenance of other drains in West Godavari district. I earnestly appeal to the Hon. Minister for Public Works to provide enough money for drainage improvements and for the maintenance and repair of irrigation works.

"Sir, I wish now to make one observation about the Kanur project. It was stated that the investigation had been completed and that the estimates have been prepared and sanctioned. In the circumstances it was thought that provision would be made for the project in this year's budget. But I do not know why no provision has been made for it. It is a capital work and borrowed money can be utilized for it, and yet I do not know why the Government have not allotted money for it. I hope in the course of the year supplementary demands would be brought forward for the execution of the work.

"As regards the Tungabhadra project we were told that negotiations were going on between the Government and the States concerned. But I am told that the estimates do not show that it is a remunerative enterprise, because according to the present policy of the Government, it will not give a return of even 4 per cent. I do not know why the Government should fight shy of this. It is not good policy to say that as it is not a paying concern it will not be taken up. I would say, Sir, that if the return is not sufficient, the Government could take 1 per cent from the general revenues towards the return from this project. It is very easy for them to do that. In connexion with the Mettur project which cost the Government 8 crores of rupees, we were told that a return of 7½ per cent could be expected, but actually we got only 1·1 per cent. The provincial revenues are therefore now paying towards the loss from this project about 4 per cent or so. Why should we not similarly adjust from the provincial revenues for the loss from the Tungabhadra project also. We are spending several lakhs of rupees on famine relief works every year. I do not see why we should not utilize that amount in order to set off the loss in respect of interest from this concern.

"The next point I wish to refer is the need for having a law of waters. It is absolutely necessary for the Government to have such a law enacted before any new irrigation project is undertaken. Unfortunately, an Irrigation Bill on which much money and labour was expended has been thrown into the waste-paper basket and the Government have been sleeping over the matter all along. Now that the Congress Government is functioning, they must have found out that in the absence of a law of this kind they have no power to enter upon a land for constructing irrigation works. So, the necessary powers should be obtained and the waters of the province should be nationalized before we investigate the construction of new projects. I press upon the Government the urgent necessity for preparing an Irrigation Bill and getting it passed by the Legislature.

"It has been brought to the notice of this Council on previous occasions also that the irrigation advisory boards in the several districts are useless bodies. They have no statutory powers conferred upon them and they have no responsibilities also. Even if they want to attend meetings of the advisory board they are expected to make the journeys at their own expense. No doubt people do not grudge to go and meet even then. The result, however, is that nothing is being done. The

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overnment have observed in the administration report that the advisory oards have been doing useful work. But, Sir, as a member of one such lvisory board, so far as I know I have never found myself to be of iy use to the Government or to the public. Recently I found that the xecutive engineer had to pay postage on a letter he had to send me nd he has asked me to provide Rs. 10 at least for postage and stationery. think the Government are aware that in Tanjore the members of the oard including a retired Chief Engineer have resigned. Is it the olicy of the Government to deny even postage expenses to the advisory ommittee and more or less compel the members to resign? I may say, ir, as one hon. Member suggested, the Government may levy some rt of fees from persons who would be benefited by the grant of titles. s it the policy of the Government to levy fees from the members of the lvisory boards? This matter was considered by our advisory committee and we have placed before the Hon. Minister certain proposals r his sanction several months back but no action was taken for the st six months.

" My hon. Friend, Mr. Ramakrishna Reddi, has stated how the oard's Standing Orders are ante-diluvian and how the rules are workg very harshly on the ryots. I know, Sir, the Government have no ower to interfere with the Board's Standing Orders. But they can ke power under land revenue legislation and modify the Board's anding Orders to make them consistent with the present-day condions. There are a large number of anomalies and they have to be moved from the Board's Standing Orders.

" Sir, I find from the Budget Memorandum that the Government e considering the question of assigning the waste lands, but as far as can see the revenue under this head has fallen short of previous years. appeal to the Hon. the Revenue Member to consider this question and ss orders early. In my own district large areas are available for signment.

" In the Godavari district certain lands had been under submersion r a century or two and people had been earning a living from the hing industry. Now the waters on those lands have been drained off d these people have been deprived of the means of living. They are liged to go out of that locality. I request that some lands may be ven to them which they can cultivate and make a living. These ople are mostly depressed classes. I would request the Hon. the evenue Minister to consider this question and give free to these people, hether they are scheduled castes or not, the lands that are fit for signment.

" Coming now to the question of rural communications, I submit at the Hon. the Minister for Local Self-Government has not properly nsidered the responsibilities and duties. Sir, the Ministers for Local lf-Government in the past have always been zamindars and they have ver understood the needs of the masses. The present Minister knows e difficulties of the rural population and the needs of the villagers.

Village communications are very important for them. There is no providing medical relief without roads. People cannot go to a ru dispensary if there are no proper roads by which they can reach dispensary. At one time grants for village communications were short, but after a good deal of pressure the Government began to gr funds for this purpose. This year one lakh or so has been provided.

" As regards rural reconstruction I was very much pleased with remarks made by my Rt. Hon. Friend. I have myself made an atten to do something on the lines suggested by him. I have trained people under Mr. Gopalaswami Ayyangar. They were trained also the Co-operative department and I am glad to say that several panchay were constituted with the help of these people. Though these organiz were doing useful work, they were all sent away by the previ Government on the ground that they were not B.As. I appeal to Hon. Minister for Local Self-Government to consider the necessity having a certain number of trained people to do the work.

11-30 a.m. " Sir, the other point which I would refer to is the question of ru water-supply. While commending the policy pursued by the Gove ment, I am sorry I have to say that the Government have thought it to exclude certain districts from the operation of this rural wat supply scheme, for instance, the delta districts of Godavari, Kist Tanjore, etc. I think there is a misapprehension on the part of Government that the deltaic districts do not require water faciliti I see from the budget memorandum that the Godavari, Kistna a Tanjore districts have been excluded, but I do not know whether t Government have realized that even in these districts, there are upla tracts and there is no water to drink. Quite apart from that, I kn in certain places in the delta itself, there is no water to drink. F instance, if you take the Kollair area which has water in it for abc seven months in the year, there is no water to drink during the l season and people have to take their cattle for miles for the purp of water. Coming again to the Coringa island which is in the E Godavari district, there is no water for a major part of the year. only request the Government to consider the difficulties of all tra together and not make any distinction between one place and anot under the false impression that water is not necessary in certain trac

" There is also one other point with regard to rural areas. T policy pursued by the Government with regard to the assignment lands for building houses is confined only to the scheduled classes. would request the Government to see that in the case of other comm nities which are also too poor, their claims also should be considere

" Then, Sir, with regard to the excise policy of the Governme while I am glad that the Government have taken up the question prohibition, I am sorry to say that the increase in excise revenue is n in pursuance of that policy. For instance, there are Excise Licensi Boards and they are composed of non-officials. I am told that in t matter of the restriction of shops, the recommendations of these boar

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are generally negatived by the Excise Commissioner. To quote only an instance, in my own place where I was also a member of the Excise Licensing Board, we recommended that the three shops in the locality might be reduced to two, but the officers concerned did not recommend it, on the ground that in a matter like that, they ought to be neutral. And, when the matter went up to the Board, what happened was, the Board said, 'You have no business to remain neutral, you should have stoutly opposed these things.' The result was that the three shops continue to remain there. I know that this is the case in all the places in my district where there are these licensing boards and that whenever they recommend the reduction of these shops, the Excise Commissioner or the Board of Revenue negative the proposal. I only ask the Hon. the Minister in charge to inform his departmental officers that they must also encourage the restriction of drink and reduce the number of shops.

"Another difficulty I am told is that even if Excise officers are engaged for the purpose of prohibition and even if the shops are reduced, these officers do not teach the advantages of prohibition; on the other hand, their idea seems to be that they must have more shops, more trees to be tapped and more revenue got and that their duty is not to detect illicit distillation. I would suggest that Government should issue an order so that these things might be avoided and that officers should discourage drink and encourage prohibition, of course consistent with their other duties.

"There is only one other point which I wish to mention and that is with regard to industries. The Government have been encouraging industries by giving additional grants. What I submit is that Government themselves must undertake these industries. For instance, you have got the material for preparation of sulphuric acid in large quantities in parts of our Presidency. The Government asked all the research scholars to submit a thesis on this question of sulphuric acid and whether it can be prepared successfully in India. One of the scholars from the Benares Hindu University, a resident of this province, submitted a thesis and he has pointed out in his thesis that Kurnool district has great potentialities for the purpose and he also won the prize of Rs. 500 offered by the Government of India. He was also able to show that 100 per cent profit could be obtained by the preparation of sulphuric acid. I do not know whether the Government of India have taken up the question in earnest or sent the thesis to the Government of Madras for investigation. I request the Hon. Minister for Industries to look into this aspect of the question and see if the province cannot make a profit out of this concern.

"With these few observations, I once more congratulate the Government on the admirable budget that they have prepared, hoping only to see that the policy they pursue would be given effect to with regard to all the departments."

* RAO BAHADUR M. RAMAN:—"Mr. President, Sir, while I am thankful to you for allowing me this opportunity of taking part in the

discussion of the budget, I shall remember that I have to be brief. In the very few minutes at my disposal I shall make a few general remarks. I shall not waste the time of the House by either criticising or praising the budget, because much has been said here and elsewhere for and against the provisions of the budget. The primary duty of any Government in this province is to relieve the agriculturists from the heavy burden of land-tax, and the importance and urgency of this duty can never be exaggerated. This question of land-tax has been before the public and the Government from about the year 1855 when the Government Order originating the revision of the assessment was issued and the question became very prominent with the famous memorandum of Mr. Dutt in 1901. We are now in the year 1938 and the question is as important to-day as it was in 1855. In the consideration of fixing a land-tax, the most important thing to be considered is devastation due to periodical floods and famine. The tax should be so regulated as to leave a sufficient margin in prosperous years so that the staying power of the ryots in bad years may be good. The present tax, rather heavy in normal years, entirely upsets the economic condition of the ryot with the least failure in crop or a serious fall in prices. People naturally expect much from the present Government as the Provincial Autonomy they are administering and the large majority they command in the legislature give them full power to pass any measure for reducing the tax on the ryots. No other previous Government had this excessive power. So, a very drastic cut in the land tax alone will satisfy the people. The Government would be causing great disappointment if they do not use their unfettered powers in this matter with the liberality that is rightly expected from them, and no amount of temporary periodical remission would satisfy the people. Permanent reduction of about 30 to 40 per cent would alone satisfy them and it is to be hoped that the Government would soon tackle this question efficiently and satisfactorily. It is a matter for regret that the Government which is famous for its haste—I have almost said notorious—shows apathy in regard to this matter, and when we talk about reduction of land-tax, they turn their face the other way and talk of the weather.

" The bane of agricultural life in this province is the existence of a large number of exceedingly tiny holdings and these are not capable of giving the ryot even one full meal a day. An attempt should be made to increase the size of the ryot's holdings by exchange, sale, and, where necessary, by acquisition, a procedure attempted some years ago in the Arantangi taluk of the Tanjore district. Very small holdings are not desirable. Proper use of the cultivable waste land in the province might help to solve this problem.

" One method of helping the ryot to get better price for his produce is the improvement in transport facilities. Provision for roads in rural areas should be liberally made. There are places where transport difficulty is very serious on account of want of sufficient road communication. There is an extensive tract of wet land in my part of the district, North Malabar, which is cut off from the nearest town by a

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erennial river, the Baliapatam river, which has no bridge, although eople have been clamouring for it for many years past and nothing as been done so far. It is admitted that the ryots who cultivate their wn land require some sort of subsidiary occupation. I see that the resent Government have made certain provision for the purpose of ncouraging the Khaddar industry. But Khaddar is not paying at all nd the occupation is not very agreeable. I should not however ignore he importance of sentiment and I would not therefore oppose it, but ould request the Government to add other industries more paying and ore suited to the condition of our agricultural population. What is at resent done by a missionary institution in South Travancore in the Iarthandam area might very well be copied here. They have a method hereby industries are watched and guided by experts and the articles roduced are readily purchased from the ryots on cash payment.

"Financial strain cannot be removed without increasing and deveoping the sources of our national wealth. In Japan the Fisheries epartment is said to bring in millions of yen. Our Fisheries departnent has not gone beyond the mere experimental stage like the Agricultural department. There should be a thorough overhauling of hese things. I think that our rivers, tanks and lakes can be made to ield substantial revenue from the fish industry. Of the several provions made in the Budget, the one relating to rural water-supply appeals o me most. I know from personal experience that in hundreds of illages, people, especially Adi-Dravidas, suffer for want of good rinking water, especially in the summer.

"Investigation has also to be made with regard to irrigation faciliies in districts like Vizagapatam, Chingleput, Malabar and South Kanara. In the matter of irrigation, the West Coast has always been unfortunate. We are always told, we should look to God and rain. The irst is all right, but rain is always elusive and it has been elusive for he last so many years.

"We do want an investigation as to what irrigation would serve 11-45 ur purpose. If irrigation channels are not possible in a country with a.m. rregular surface and with varying elevation surely engineering skill an devise something suitable. The West Coast also wants a very large number of tube wells and tanks. Drinking water is not available in laces during a few months of the year and backward classes like the Adi-Keralas suffer much. I am not asking for works like Periyar, Mettur and the Rishikulya, costing several crores. Something however modest done in this direction in Malabar and South Kanara will make he people prosperous and happy.

"I hope Government would not rush into the question of additional axation. It might be said that tax and tax-collector are never opular. But every one knows that the people, especially the agriculural classes are unable to bear any additional burden. It must not e forgotten that a tax imposed on the rich has often the surprising esult of indirectly affecting the poor.

" For some years now the Government have been following a policy of doubt and vascillation with regard to land revenue and survey. Now that the Settlement department has been abolished and the Survey has been reduced to a mere nucleus, greater responsibility falls on the Land Record department. I see that there are alarmingly heavy arrears under subdivision measurement and stone repair, and unless some effective steps are immediately taken the whole thing will get into chaos, as it is bound to do if left where it is now.

" The balancing of a budget is certainly very pleasing, but let us not forget the combination of circumstances that made it possible. These circumstances like the Haleys Comet may not appear again for years to come. We must not forget also the progressive fall in excise revenue which would soon land us in a deficit under that head of four hundred lakhs. And we must soon be face to face with a grave situation.

" The Government have wisely given up the policy of a salary cut in the case of Government servants already in service, but they are denying the benefits of promotion to them. It is very doubtful if it is legal to do so but there is no doubt that it is very unfair. It is also unwise and very short-sighted.

" There should be no cut up to Rs. 500. A man reaches Rs. 500 in about twenty years by very slow promotions. At this fag end of his service he has very great family responsibilities and I do not think it fair at all especially to the low-paid subordinates to reduce their pay to make up loss in revenue. You might probably cut the pay of more highly paid officers or make them honorary. To grind the poor subordinates while the more highly paid are left alone is unjust.

" *The recent order relating to the nomination for public prosecutors'* place by the headquarters bar association is greatly agitating the public mind. They see in it signs of communal preference. Where efficiency and personal reputation meet in the same individual no harm will be done. Public opinion is that except in Malabar the other districts will suffer from the consequences of an undesirable monopoly. Whatever is going to be the result, it is necessary to avoid public alarm.

" The hon. Member from Vizagapatam, during his speech yesterday, praised the Hon. Minister for Public Health for abolishing all differences in the department under his charge. If the hon. Member was referring to the communal Government Order, I should strongly protest. Communal differences are there in plenty in actual life in social and religious affairs, and it will not pay to ignore this; without some safeguard, communal harmony will be destroyed. If a photo faithfully reproduced an ugly bump or a squint eye you do not blame the photographer. Defects in the constitution of the society will be reflected and ought to be reflected in the affairs of that society. Communal differences are being fanned into greater importance by orthodox societies such as the Brahmana Maha Sabha and the Varnashrama Dharma

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Sabha. The only way to live in peace is to provide for solving the problem and not by ignoring it. How can it be said that it is a vicious attempt to try to come up to the top with the more fortunate and march with them freely to progress?"

* MR. L. SUBBA RAO:—"Mr. President, Sir, I do not want to embarrass the Finance Minister by congratulating him from this side. In the other House, he was saying, 'What embarrassed me most was the congratulations from members on the side of the Government itself. I value congratulations greatly, but sometimes they are too embarrassing, when they come from quarters which are interested in supporting the Government.' (Laughter.) I obey the mandate and proceed to deal with certain items, which do not find a place in the Budget, because the Premier himself has pointed out that when there is no detailed criticism from the Opposition side, we shall furnish it. (Laughter.) I wish to furnish it only with regard to the omissions so far as my district is concerned. He has mentioned in his speech in the other House that 'the claims not only of territorial divisions and of interests, of trade and commerce, but, even of castes are represented fully in the Congress.' As such I claim to place before the House for the consideration of the Finance Minister certain proposals relating to my district. As has been pointed out by the hon. Member from West Godavari, there has been an omission of water-supply grant for the district of East Godavari. May I point out, Sir, that in the East Godavari district there is a region, which is very near Cocanada, known as the Coringa Island, of which the Hon. Mr. Prakasam has personal knowledge, and also Mr. Karant, Parliamentary Secretary, has got some personal knowledge. We have got the Godavari Anicut system coming very near that island, all round, and yet there is no drinking water there. This island consisting of nine villages has a population of twenty to thirty thousand people. During all the seasons of the year, you have, for drinking water, to dig pits one to two yards deep, and they yield thirty to forty gallons of fresh water, but two days later the whole thing gets brackish. The Government of Madras carried on some boring operations a few years ago, spent some money on them, and they were not successful in their efforts. Thus, Sir, though the Coringa Island is situated in the East Godavari district, though it is in a deltaic area, yet it has no drinking water-supply. So I request the Hon. Finance Minister to give instructions to the Collector of East Godavari to include that island in the scheme for rural water-supply.

"Apart from that, there is the project called the Coringa Island project, which comprehends within its scope irrigation, navigation and also rural water-supply. Under this scheme all the nine villages can be easily irrigated, and this scheme itself forms part of the general scheme adumbrated by Sir Arthur Cotton. In fact this is only an extension of the original scheme. But unfortunately for the last seventy-five years that scheme has not been carried into effect. In 1926, the Government of Madras asked the Superintending and Executive Engineers to prepare the plans and estimates for the scheme.

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Complete estimates were prepared, but the scheme was given up on the ground that it would not pay more than 4·4 per cent; and the full report with all the details of the scheme is now lying snug in the archives of the Government. In 1926 when the estimates were prepared the price of land was high, the cost of materials was high, and that of labour very high, and in spite of such high cost it was estimated that the project would yield 4·4 per cent. Now the estimates can be revised, and if it is done, I am sure the scheme would yield something more than 5·5 per cent, and Government can very easily push through the scheme. The Hon. Minister for Public Works visited the island this year, and representations were made to him and he assured us that the scheme would receive due consideration at the hands of Government. At the same time it is not only remunerative but also protective in the sense that it will carry water-supply to the very doors of the people.

"There is also another proposal connected with the same scheme and that is cross-bunding the Coringa arm of the Godavari river. The deltaic lands situated very near Coringa Island are nearly twenty thousand acres in extent, and they are being submerged during floods from 1933 onwards, as has been pointed by the previous member, due to the defective drainage in that area. And Government have been granting remission year after year during the last five or six years to the tune of six to seven thousand rupees per annum. What was proposed in 1933 was a structure costing a lakh of rupees to prevent inundation. But Engineers differed as to methods and meanwhile the ryots were pauperized. In February 1935 when His Excellency Lord Erskine visited East Godavari, a deputation waited on him—and I as a member of that deputation—and submitted this matter for the consideration of His Excellency. I read to the House the reply His Excellency gave in February 1935:—'The deputation referred to the two proposals, one being the construction of a lock at the head of the Coringa river near Yanam blocking up the rest of the river by a cross-bund, and the other being to cross-bund the entire width of the river at the site of the proposed syphon of the Coringa Island project and thus save the cost of the syphon at the site when the project was taken up. The construction of the lock would solve the trouble caused by the flooding of low lands adjoining the river. The deputation read out their representations in the memorandum, and stressed that the work was both protective and productive. The engineers present agreed that the work was remunerative. His Excellency said that the question of constructing the lock was being discussed with the French authorities, as the site of the lock and the connected works would be in French territory. From the Chief Engineer's report it was evident that the French authorities were afraid that the closing up of the flood channel of the Coringa river by a cross-bund might aggravate the flood conditions in the main river at Yanam, and that they were being informed that their fears were groundless.'

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"Now that question is solved, as I understand the French Government have agreed to the scheme. The reply continues:

'The Chief Engineer's final report was awaited, and His Excellency agreed that the rapid execution of the work would be desirable.'

"I request the Hon. Prime Minister to mark the last few words 'His Excellency agreed that the rapid execution of the work would be desirable.' This was in February 1935. Then, Sir, we find in the Administration Report on Irrigation for 1935–36 at page 9 under paragraph 12 that Government were to take up this scheme to prevent submersion. And the proposal is being considered from 1935 till to-day! And I am astonished to see that Government are not able to allot a few lakhs for this scheme which is protective, productive and remunerative. So I appeal to the Premier and also the Public Works Minister not to neglect this work both on the grounds of expediency as well as in their own self-interest; because nearly every year they have to remit a revenue of six to seven thousand rupees, as an area of twenty thousand acres gets submerged under floods. Mark you, Sir, nineteen per cent is the yield that has been estimated and obtained on the capital works in the Godavari Anicut system. When such is the case, there is no point in the Government delaying the work any longer.

"In this connexion I will submit, Sir, that in the East Godavari district we are in a very unfortunate position of our executive officers being transferred just at the time when the schemes reach the stage of fruition. The engineers are so transferred, the Collectors are so transferred, and we have to acquaint the new officers once again about the whole scheme. All these take time, or rather waste time.

"Well, Sir, there is another project, called the Upper Godavari project, which promises to be a remunerative enterprise inasmuch as it is estimated to yield 4 per cent on the capital invested.

"If that project is taken up, it would not only advance the season for transplantation by nearly 25 days, as has been pointed out by the Engineering Department, but it would also give ample supply of water to the second crop for a much larger extent of land. The same distributive channels, the same irrigation channels can be used for the purpose of working the new project. It is only a question of bunding the river at some point as has been marked out by the Engineering Department and this will cost about 60 to 70 lakhs. But it will yield at the same time a net profit of 4 per cent on the whole, after paying interest on the capital.

"I wish to refer only to one other matter, viz., submersion in the Thorrigedda area. I am charged to do it by the constituency from which I come. My Hon. Friend, the Minister for Revenue, knows it very well. He had been living in that part of the country and he knows the site very well. About 30,000 acres of lands are submerged when the waters of the Godavari rise and head up the waters at Thorrigedda. During high floods after ryots cultivate the lands and the crops

are yet in the first stages high floods come and all the crops become submerged. I understand a curious reference has been made to the Collector to ascertain whether the people of the area are prepared to make a contribution. To ask people who have been suffering on account of inundation for over 30 years due to the gross neglect of Government, to contribute a portion of the expenditure to be incurred in connexion with this protective work is, I submit, rather a cruel joke. I may submit for the information of the House that the Irrigation Committee unanimously accepted the proposal that the Thorrigedda Drainage scheme in East Godavari and another project in the Anantapur district should be taken up at once and be included in the next Budget. This was in September 1937. I do not understand as to what happened between 30th September 1937 and the preparation of the Budget for the Government to drop such an important and urgent project as the Thorrigedda drainage project and not include it in the Budget.

"Now, Sir, I pass on to other matters. We find in the Budget memorandum that fruit nurseries are proposed to be opened at Kodur. It is item 64 in the Budget memorandum. From the East Godavari district, representations have been made to the Government to open one fruit culture station. There are about 6,000 to 7,000 acres of land in the East Godavari district which are under fruit cultivation. Various kinds of fruits are grown there but the difficulty with regard to them is their preservation and marketing, owing to want of education and demonstration about it among the masses of the population. There is also a good Agricultural Farm at Samalkota on the main line where there are extensive lands and where several experiments have been made and are being made in regard to sugarcane and paddy which have been successful. I suggest that a fruit culture station may also be added to the Samalkota Farm and thus give the necessary help and advice to the people of the East Godavari district so that they may raise varieties of fruit crops on a larger scale hereafter and make a little profit out of it.

"There is one other matter to which I would like to refer. I expected my hon. Friend, Mr. C. R. Reddi, to be ready in his seat to put forward the claims of the Andhra University for a decent grant. A member of the executive body of the Andhra University as I am, I submit for the consideration of the Finance Minister the powerful plea that has been put forward by the Syndicate that some little grant may be made to it for the construction of administrative and other offices. Of course we find that ample provision is made in the Budget for mass education. I submit that more provision should be made for this purpose. But secondary education finds only a secondary place in the Budget while higher education finds a much lower place. From the foundation of the University till now only 7½ lakhs were granted to the Andhra University as building grant. You will admit that 7½ lakhs is a flea bite so far as grant to the Andhra University is concerned.

"Then, Sir, I find that no additional temporary establishment has been sanctioned in respect of the headquarter hospital at Cocanada.

epeated representations have been made by the Hospital Advisory ommittee that some provision should be made for additional establishent and the Leader of the House can appreciate this much better than ıy other Minister. There is accommodation for 70 beds in the headıarters hospital. The actual number of in-patients is about 230 for ıne months. No doubt the new hospital under construction there prodes accommodation for 200 beds. Repeated representations have been ade to the Government for giving some more equipment and addional staff for the hospital but nothing has been done till now.

" Then, Sir, I find that under the head of loans to municipalities r purposes other than water-supply and drainage, Rs. 25,000 promised be granted for surface painting of the roads in Cocanada municiality for the year 1938–39 is omitted. Rupees 50,000 was originally nctioned. This year the Government is giving a loan of Rs. 25,000. went through the maze of figures in the Budget, and I find the balance Rs. 25,000 has been omitted for 1938–39.

" Then with regard to unemployment amongst the educated classes, suggest that a number of educated men might be employed on rural construction service. In the Inter-University Conference of 1934, ıis very question was taken up and it was suggested that a large number f graduates might be put in each district for the purpose of rural construction. It is very difficult to ask a graduate who has received ducation in Madras or Waltair to go back to the land. There must e some inducement for him and the only inducement is employment nder the Government. I submit for the consideration of the Hon. the inance Minister the employment of a large number of graduates in ıe rural reconstruction work, so that the moral and the material condi.on of the masses may be improved. This proposal was made by me n the Inter-Universities Conference in 1934 and it received some pprobation. Now that the new Government has taken a larger interest or the improvement of the masses, it is up to them to solve the unmployment problem among the educated classes and at the same time mprove the whole Province.

" Sir, one other thing I should like to mention is this: Public Works epartment has purchased chairs manufactured in Poland for seating Iembers of the Legislative Assembly in this Council House. I think e can get better chairs in Madras. I suggest that hereafter at least e may purchase rosewood rattan chairs made in Madras, so that some ungry mouths may be fed, instead of purchasing them from oland."

* The Hon. Mr. C. RAJAGOPALACHARIAR:—" Mr. President, I am thankful—and it is my first duty to express it—for the very enerous manner in which the Leader of the Opposition has approved f the Budget, and has given expression to an unqualified appreciation f the many parts of the proposals. It has, however, become so usual or him to be generous that my remarks will make no great impression.

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But it is better that we get into this habit of generous appreciation rather than that we should get into the opposite habit and fail to see the meaning of the words that we employ.

"Sir, I am surprised that Mr. Quirashi should have referred to the 'basic financial unsoundness' of the Budget. That a person of his position should have been guilty of such colossal ignorance is a matter of great grief to me. He referred to a part of my speech introducing the budget which is found at the bottom of page 11 of the printed speech and which continues to page 12. He referred to this portion:—

'After taking into account the anticipated opening cash balance on the 1st April 1938 of Rs. 109·88 lakhs, the revenue surplus for the year 1938-39 of Rs. 12 lakh and the probable debits and credits under all capital, debt, deposit, remittance and suspense heads during the year, the position at the end of the year would be a shortage of Rs. 110·43 lakhs as against remunerative capital expenditure planned for the year to the extent of Rs. 2¼ crores.'

"He referred to this statement of mine and not to anything discovered by him. On an examination of the statement made by me when dealing with the position of ways and means of the Government with regard to incurring of capital expenditure, he said that this discloses a lamentable state of things, because this shortage of 110·43 lakhs as against the planned expenditure of the Government for the year could not be considered a good financial position for the Government. I call this a most lamentable ignorance of public finance. The Revenue account is different from Capital account. No budget can ever be prepared so as to meet all the expenditure out of the balance in the revenue account of the year. If, for instance, Mr. Quirashi wants to go in for a land or cow or to go in for a building and try to build it out of the year's pension after meeting the expenditure for the year, would it be possible or conceivable? He has to look into his capacity to get money to build this remunerative building or land out of the savings made by him for many years past or out of new borrowings out of the credit that he has built up. This is therefore not a criticism that can be indulged in without exciting the amusement of people who understand how budgets have to be prepared. Now on page 12, further down the passage in my budget speech referred to above, you will find:—

'The remunerative expenditure proposed to be incurred next year on capital works and loans to agriculturists, local bodies and others is about 222 lakhs.'

"This cannot possibly be incurred out of the balance that has been shown of the year's revenue. We have to work on our credit; we have to work on our own balances and that is why the 'Ways and Means' paragraph devotes itself in all the budgets of civilized countries to an examination of this position, and then they find out how much they can meet from their own balances and how much they can borrow from the public.

-15 "This calculation, instead of being done in the secrecy of the
n. Finance Department, is being put in explicitly in the Budget here, so that hon. Members can see how much we have as balances and how much we borrow. This is the paragraph on which my hon. Friend has laid

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his hands and has proposed to utilize for showing up my Budget, so to say, for public condemnation. I submit, Sir, that this, far from helping, far from being just criticism, is an unfortunate exhibition of complete ignorance of the position with regard to Budget making. I am sorry to say this, because when a statement like this is made on the background of many lakhs amounting to nearly a crore, it is possible to frighten a class of people. Even cautious people can be frightened easily in this way. It is perhaps excusable if you frighten people about Urdu or Hindi, but if you frighten people about a crore and odd of rupees, with reference to our Government, the position becomes really serious and that is why I have submitted my reply at the very outset, before proceeding to any other matter.

"Then, Sir, connected with this is the King Charles' Head of the commutation of pensions. It seems as if Members will not forget it, because it is an item that comes up year after year. On this I want to say two things. I am not fond of giving lump sums by way of commutation of pensions. If it were possible, I would stop this practice for many reasons; but it cannot be done by a mere autocratic will conceived at the moment. There are commitments, and therefore we must provide for commutation of pensions as long as that innovation which was brought in some time ago is not done away with. People who were entitled to a pension month after month and who would have to wait and take the risk of monthly payments coming to an end by demise some time or other desired to get a lump sum calculated on an insurance or actuarial basis, and they wanted to have it beforehand, that is to say, they wanted to take the capitalized value of the pension for a number of years for which the doctors certified the pensioner was capable of living, according to certain estimates. If the pensioner can capitalize his demand on the State, I say—and this has often been said by me—that the State is entitled similarly to make this a capital charge. Because the pensioner wants to make it a capital expenditure, we can and we are entitled to meet it on similar terms. And so, if the Government are willing to grant Rs. 20,000 instead of Rs. 200 per month for a number of years, the Government can certainly treat it as capital expenditure, especially, as I said, if they have to pay Rs. 20,000 in a lump sum instead of at the rate of Rs. 100 or Rs. 200, month after month for many years to come. If the commutation policy is to continue for a long time and if officer after officer retires and if every year there is a fairly definite number of people going out and claiming commutations, it has been thought desirable by those who are conversant with the grammar of public finance, that it is better to provide out of revenue for recurring capital expenditure like this which is bound to grow year after year. Quite correct. But it should not be considered that the Government were guilty of any lapse in charging the expenditure to capital when in any year it was found that it was not possible to charge it to revenue. So, Sir, as soon as we found that it was possible to charge this item to the revenues, we wrote it back from capital and it has been done by good financiers. And that is what has

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been done by us this year, as could be seen from the Budget statement by hon. Members. In respect of a thing on the margin like that, which may be debited to capital and which may also be debited to revenue, it should be possible for the Government to deal with it in an elastic manner, and that is what has been done. Remember also, Sir, that this commutation is not deemed by us to be of such a permanent and correct nature that we should continue it for all time, and therefore it does not fall under the latter class of a necessarily capital expenditure year after year, because you might do away with this method of giving capitalized amounts in lieu of pensions. Therefore, it need not repeat itself year after year. I have taken so much time over this matter because this is also a possibly mischievous comment, that is to say, mischievous in the sense of its consequences. It is a comment which might lead to mischief and therefore in matters where lakhs are involved, it is better that I make the position clear. Sir, I am not an expert in the grammar of finance: I had expected older members in service who sit in the Council here to be more expert than myself. If I have exceeded the limits of propriety in the adverbs or adjectives that I have used, I beg to be pardoned; but it is really a dangerous thing to interfere in this manner, dangerous not to me personally, but to the credit of the province. That is why I have made these remarks at the very outset in perhaps not soft language; but I submit it is better that we remember these points.

"Then, Sir, there is a budget of criticisms raised about the principle of having more extensive and more scientifically planned expenditure, more extensive expenditure in regard to various remunerative measures, social reform measures and the like. Large plans; yes, that is a good thing, and I agree at once with the hon. Member, Dr. Thomas, that there is no good in doing piecemeal things like this. 'Not much good'—yes, very good, but not much good. It may be good to give a well here or a well there; it may be good to do this thing or that thing; but what we want is a co-ordinated large planned expenditure, planned for years to come. I am grateful for the references made by Dr. Thomas to that part of my speech wherein I said that we have to work as if we were going to be here for a century, though we might be ready to hand over the keys to others at any time, next morning. The spirit behind that was appreciated—I am grateful for that; because, it is just one of those things that may easily be misunderstood. I am grateful that I have been rightly understood. Large plans and scientific expenditure are good, as I said; but, Sir, within the limitations within which we are operating, there is a great amount of difficulty even in making those plans. We can, if we have the heart, call a body of experts to come and sit together and make for us a large plan; but when I am faced with these limitations which, I know, exist day in and day out, how can I have the heart to do it? It looks as if it is going to be a great big waste, if we should invite plan-makers and statesmen to come and sit with financiers and draw up estimates and plans, draft designs and leave the working of them all to successive

Ministers. The policy recommended by Dr. Thomas is eminently suitable for great Maharajas; and even they perhaps may have many grounds in their minds just now for not taking it up. The plan that Dr. Thomas proposed might be very good for dictators who are ruling in some parts of the world now, but these plans look almost like castles in the air to us when we sit here under present conditions and work under them. That is the only apology that I make for not disclosiug any large schemes of that kind in my Budget. Not that I do not see the meaning, not that I do not see the value of this advice, not that I do not admit all these things. It is difficult, and that is my only apology. But sometimes, if one is generous, he may find a plan even if only piecemeal things are offered. If one has imagination, a helpful imagination, it is possible to make a large plan even within these little things that we are doing from time to time, from year to year. It may be, Sir, that we are too humble, perhaps too timid, to put forward any large plan straightaway because, the opposition on various grounds that may possibly be raised to one particular kind of large plan, may swallow up all the time and all the energy that we have and we would be nowhere even in respect of the few things that we might perhaps make as an experiment, which would lead people's minds towards plans such as Mr. Thomas was thinking about. It is possible that our Budget may be expected to be a piecemeal and educative Budget for the purpose of a better-planned national Budget which may be placed before the country as a permanent plan for, say, three decades or two decades. It is possible that an educative interpretation may be put upon this piecemeal character of our Budget. I shall not say anything more, Sir, on that point.

"There is another budget of criticisms consisting of: 'You have not done this or that, this urgent plan or that urgent plan; this is sleeping in the office; that has gone altogether out of existence; you must bring them all back again; high hopes have been placed upon the Congress Ministry; we could have tolerated lapses and delays on the part of other Ministries but you; we are the gad-fly that keeps the horse always awake; we must bind you and break you in order that you may keep awake, in order that you may keep alive and bring out all these old plans and schemes which have gone to sleep and do something for them.' All that I can say about them in this Chamber is that my Colleagues and I will give every attention to all these schemes and bring them from time to time as and when possible and executable, and any delay on our part should not be misunderstood to be any particular partiality or any disfavour, but it should be considered merely a matter of executive convenience. As a matter of fact, one or two things were mentioned by some of my hon. Colleagues. A reference was made with regard to an irrigation scheme that actually has gone from the District Officer to the Irrigation Board and on which we are awaiting the report. Sir, I need not weary the House with particular replies to any of these particular matters; as I have no doubt that these particular matters can always be made the subject-matter of questions and interpellations from time to

time, nothing is lost by this general manner of treatment I am according to it. All these questions may be brought from time to time to the notice of the Government and of the Minister responsible.

-30 " The hon. Member, the solitary lady Member of our House, laid
m. great emphasis on the need for greater grants being made, greater help being rendered to social and charitable institutions. I am glad, Sir, that this peculiar function of the sex to which she belongs has not been forgotten by Mrs. Hensman in this debate If she did not bring it to the notice of the Government, who else can? It is but right that she should do so. All that I can submit is, however, this: It is not as if we had not done anything. We have done something and we shall do more, and if we failed and she brings to the notice of the Government the necessary things that are to be done, they would be attended to. But I may however give one caution. Charitable institutions have a definite place in society. They should not be mixed up with Government too much. Taxes are levied by Government for meeting all its expenditure and Government can reach a point of over-taxing. It is however the mixing up of numerous little drops that go to make a vast sheet of water, and true to that proverb, it is all these small items of expenditure in the shape of grants, however small they may be, that go to make an embarrassing total, and Government has to tax in order to give away for each charitable institution. But that is only one point.

" Charitable institutions have existed from time immemorial even in the most democratic and highly taxed countries. They have taxed people in a different way. If the Government taxes, it is coercive in operation. But if charitable institutions themselves go round and tax, they have the satisfaction, the joy of having rendered, a voluntary help to the people. It creates happiness; it blesseth him who gives and him who takes. There is joy to the person who collects and joy to the person who gives and who feels as if he has taken a step or two towards heaven; and more than that, while the Government tax goes like a steam-roller upon everybody at a uniform rate, more or less, the charitable institutions tax only those who are able to pay and abstain from taxing those who are obviously unable to pay taxes and also those to whom God has given much of wealth but less of inclination. The collector for a charitable fund will be able to get from those who are pleased to give and will give up those who, for any reason, private or public or even psychological, may be unwilling to pay. Therefore there is a great advantage in charitable institutions continuing to make money themselves. They should not get into the habit of depending on the Government, even if it should be the Congress Government, depending too much upon the tax-payers' money for running private institutions. This is a principle that should be remembered and let me give the warning—it is not merely to Mrs. Hensman but to all those interested in charitable institutions, institutions of all kinds run by all parties—what I say to Mrs. Hensman applies to all these cases. It should be remembered that if you depend too much on Government help and if

Government for one reason or another, either because it is displaced or because it has got into difficult circumstances or because it is unwilling, stops giving help, then out of the bad habit you have cultivated, you would have acquired an incapacity to approach the public. The public also at the same time will lose the habit of giving. Rich people and good people will lose the habit of giving and they will begin to say, 'Go to the Government if you cannot do it yourselves.' Therefore I warn the charitable institutions not to be dependent too much upon the all too easy grants that they may get by worrying the Congress Ministries. especially when these Congress Ministries, in the flush of their new office are willing to help everybody who comes near it and forget those who do not come near it. But Government can only proceed on a certain policy and there is a grammar for public conduct. We cannot afford to remember those who come and forget those who do not come. But the charity distributor is entitled to give to those who come and forget those who do not, and Government should not be blamed if such a thing happened.

"I pray I may be excused if I devoted so much time to only one Member's case, because she represents half of our population though she is only one here. (Laughter).

"More money for medical relief, more money for roads, more money for rural bridges and so on—that has been the slogan, Sir, all through these few days and will continue till the budget is voted upon. I cannot say it is wrong. It is right. But hon. Members should not forget the old toothless barren cows from which we have to get our milk, our butter-milk and ghee and everything that we have to get, and if my hon. Friends will remember that any comment that they make, with reference to expenditure has its obverse that it is necessary that we should collect taxes to meet the extra expenditure—if they remember it, they won't at one say, 'Reduce the land-tax.' I can understand, Sir, if at least one Member says this and another Member says the other thing. Often it happens that the same Member says both the things together. I would only wish hon. Members meet together and so divide their labours in this matter. that one set of them propose ameliorative measures and another set of Members deal with the question of lowering the tax, lowering the justice tax, lowering judicial stamp fees and lowering the income of Government in every way possible. If Members divide their work like that, it would be at least more systematic. But, as it is, the same Member makes both the suggestions that we should spend more money on rural roads and give more money to local bodies, give more money to some charitable institutions and the like and at the same time, mind you, 'Don't have any new taxes, reduce the land-tax, not by 25 per cent, not by 30 per cent, not even by 33⅓ per cent but more '—it has progressed to 50 per cent in this debate—' and not only take care that the dry districts are kept dry but even see that the wet districts go dry to as much extent as possible even while prohibition has not been extended to those districts—you do everything possible to reduce your revenue but do nothing to increase it and give notice, take all objections into

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account even when there is little prospect of any new taxation being proposed, but yet you must spend for this and you must spend for that.' Now the old proverb did not lose the truth by lapse of time. 'Cut your coat according to the cloth ' is not less true today simply because it has been repeated too often, and a thing that has stood the test of ages is likely to be true, even perhaps more true than we imagine. This budget-making is a tailoring business. It is really coat-making according to the quantity of the cloth that you have. There is no use in asking the tailor to give a bigger coat if you give him much less cloth than he wants. (Laughter.) I am a poor tailor who budgets expenditure according to the income I get. This is unreasonable if everybody wants everything to be done and nobody wants to give anything. Of course, all this may seem exactly like the statements made by the old Ministers or Members of Government. You may ask, 'Is this all that you are going to do after taking up office, after going to the Government seats and replacing the bureaucratic Members of the Government who said the very same thing?' Yes, but there is a difference and you must know the difference by the quantity of ameliorative measures that we provide without inflicting additional burdens on the people. I claim that you may perhaps find in the nature of the expenditure that we have budgeted for that we are a different Government from the previous Governments. If your tailor, instead of making an inadequate frock-coat, makes just as good a shirt out of the cloth you gave him, if instead of spending the inadequate cloth on an inadequate frock-coat he gives you a complete shirt which you can wear during the hot and the cold seasons, then can you not praise that tailor? In that same manner if you take the Government's income and expenditure, the nature and the quality of the expenditure as well as the distribution of the quantity of the expenditure among the various strata of people, therein you may find the difference between the old and the present Governments. That is all I may perhaps say in favour of my budget. If I am able to get more revenue, you will also have more money for expenditure by and by.

"With regard to the suggestion made by Dr. Thomas that it is right to tax people more and that nobody need be afraid of taxes, I say it is right, but it all depends on how you tax the people and how you spend the money. Let us teach people to feel, to understand, that Government is a part of their own welfare work. Just as in a family we spend for the good of the family, even so Government spends for the good of the people. Therefore if you really show the people that the taxes are well used for the people themselves, they will be willing to be taxed and willing to pay the taxes provided you give them the amenities. All these, I say, are quite true. I agree. But it cannot be merely assumed that people are willing, unless you do a lot of work beforehand to make people see the relationship between taxes and expenditure, the relationship between expenditure and personal comforts and joy in state and society. If by and by people see it by the experiments that we make, if they see the relationship between the Government and the taxes, if people see the relationship between Government and the

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comforts that they get out of their daily lives by reason of Government expenditure—when people are made to see all these by and by—then people will be ready to be taxed and Government will be wise in taxing them. But today, however, mere propaganda by mere words is not enough to bring to people this realization of the relationship between *taxation and personal comforts* and pleasures. Propaganda by action is necessary. We must show, we must make people see through certain piece-meal expenditure and piece-meal plans, the connexion between taxation and Government and the daily comforts and daily amenities that they get in society; then possibly we may hope one day that people may be agreeable to be taxed.

" Sir, reference was made by another set of critics to the utter sin ot selling justice. No doubt drink is bad. But I did not call it a sin—(At this stage the Rt. Hon. V. S. Srinivasa Sastri was seen leaving the Council Chamber) and I should say this before the Rt. Hon. V. S. Srinivasa Sastri leaves the room. I do not say it is a sin. (Laughter.) Some people say it is a sin. I said it was bad and I say it is bad. I dare not call it a sin. I will never call it a sin. But there is another which I call a sin. To place the temptation of drink before the people is *sin*. *To drink is not a sin.* Let *no* hon. Member *make a mistake* between these two things when criticizing me and my views.

" I consider that the poor fellow who is drinking is not committing 12–
a sin though he is doing an unwise thing. But I do say that I am com- p
mitting a sin if I place a bottle before him or near him instead of finding remedies for his misery. The money that we get for Government by this means is a sin, drinking is not a sin. This is a very delicate and *important difference which should be kept in view in understanding my* proposals. Members have been saying, 'It is all right your giving up drink revenue because you consider it a sin but it is wrong and worse to sell justice.' I think even the Sastras have been quoted though not in this House, and books have been quoted, books that I revere, to show that justice should not be sold. It is wrong to sell justice and they say '*ergo* the cost of judicial stamps should be lowered.' Let us analyse this. Who pays the cost of litigation? The man who loses. In an argument like this, we must not take only the exceptions; we must take things as a whole and we must assume generally that the case is decided justly by the Court. The man who loses is mulcted in costs according to the law and therefore any expenditure that is incurred by the man who has been wronged is given back to him through the Court from the man who has done the wrong. There is no case of selling justice here. It is a wrong argument. To go to exceptions in order to back your criticisms and to go to the deviations from the right path for backing up your criticisms is not correct. There is no question of selling justice in the matter of the levy of costs from tbe man who is proved to be the wrong-doer, whatever may be the taxation. But, Sir, I want to go further. The man who knows the law and who demands a fee for arguing the law

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sells justice in the truest sense of the term. The man who argues the complicated law that we have made and which he has helped to make and who brings in difficulties and procedural complications to defend the person who does a wrong, it is he who sells justice. I do not stop even with the lawyers. I go to the judges also. The man who knows the law and is in a position to deal justly by the people and who is given every strength and authority by the State in order to dispense justice in complicated and doubtful cases, should charge as low a fee as possible for the work that he does and if he wants greater salaries than the poor Government is able to pay, he sells justice. So, Sir, it is not on the revenue that we derive from judicial stamps that you should hang this old complaint of selling justice. You ought to wear it round your collars when you go to the Court to argue and you should wear it on your wig when you sit on the bench to dispense justice and ask for high salaries. It is not as if we are selling justice by the sale of judicial stamps; they are selling justice who take those big fees and big salaries. If I have shown as a result not only of this correct analysis but also from the moral point of view that the process of selling justice attributed to the sale of judicial stamps, is wrong, if I have convinced hon. Members on this point, then, Sir, I should consider that I have done well. I consider that it is very important to counteract false propaganda carried on from mouth to mouth starting with *bona fide* and generous intentions, converted into mere electioneering tactics to decide the issue when the test comes as to who should govern and who should be in charge of the administration. It is easy to keep on saying, 'Oh, as regards the judicial stamps, what has the Congress Government done?' If you do it on a wrong assumption and on a wrong basis, you are doing injustice not to the Congress Government but to the people who have the right of choosing later on the representatives to govern them. It is the people who lose. *Bona fide* criticisms, no doubt they may be, at the outset, but they may be used in a purposeful manner later on when the elections come. Therefore, I say, Sir, it is a dangerous thing to pass these arguments on from one to another as being genuine. Have we not satisfied you that our argument has stood the test of reason and fairplay?

"About registration fees, I have shown how this province can compare not only justly but also favourably with Bombay and Bengal. It may be said that in a commercial province like Bombay, people being richer can bear heavier taxation than in our own province. That is why I referred to Bengal. Rural Bengal is not better than rural Madras in point of ability to bear taxation. They may be on the same level. If the scale of registration fees that has been imposed in Bengal for years is higher than the registration fee that we have in force here now even after the enhancement, then certainly I have a case for this enhancement and not losing this money. You cannot ask the Finance Minister to lose all possible sources of revenue and at the same time want all possible ameliorative measures to be taken up. If the scale of fees here can stand comparison and favourable comparison with the scale obtaining in Bengal, Bombay and other provinces, I ask hon. Members who sit

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opposite to co-operate with us in securing these indirect sources of revenue in order to finance ameliorative measures such as we can bring in from time to time. It is a different thing for those who are not convinced of it to say, 'Well, we must win in the elections; we must hang on to this registration fee that you have increased.' It is a different thing with them and I cannot carry conviction to them by this argument; I cannot convince them ever. It is only to those who can appreciate our efforts at a proper expansion of revenue without being unduly harsh upon the poor people that this argument can be of some use and therefore it is that I put it forward. Let it be remembered here, and it is worthwhile saying it over again in this House also, that documents below Rs. 200 have not at all been touched in this enhancement. They are the transactions of the poorest and therefore, they have not been touched. It is only documents of a higher value that have been touched and that too below the point reached by other provinces.

"I must deal with the caution given in a wonderfully courteous manner by the hon. Member representing the European community. He said in very just words that notice should be given and sufficient notice should be given if new taxation proposals are made. Probably he meant that the Finance Minister should give due notice of any taxation measure and that any taxation should come into effect only during the budget time and not in the interval between now and the next Budget. He said that nobody need therefore take any alarmist view of the hint given in the Budget speech that taxation might be possible and that taxation proposals were being investigated. I think on the whole that he has put a correct interpretation on our intentions. He was not wrong in thinking that this was what we meant. We cannot dispense with a great deal of preliminary investigation before making any such proposal. It is true that after making such investigation, the public should have ample time to discuss the proposals. Even there, there is harm in making hasty proposals and that is why Government will have to examine the proposals very carefully and take a great deal more of time than people perhaps think the Government is entitled to. A certain amount of harm and mischief will be done in making these proposals before fully examining them; harm will be done even by a sketchy reference to those things. If on a full examination after this reference, it is found, that it has to be given up, some people will attribute it to weakness, others will attribute it to partiality and a desire to placate a certain class of people, while still others will attribute it to favouritism. Therefore, the matter has to be very carefully considered. That is why these proposals are being considered fully even though it might cause some delay. When the proposals emerge in some concrete form, the public will have an opportunity of considering them and this Government will not commit the mistake of pressing through taxation measures without care and without due notice. No alarmist view need be taken of it. At the same time, I would appeal to hon. Members sitting on the other side of the table to co-operate with us in the discovery and in the execution of new plans of this

nature. After all, when we are getting along the path of Self-Government, the difference between family and Government, the difference between family affairs and public affairs gets less and less. We are bridging the gulf between private affairs and public affairs in slow degrees. A man may have his own car; but if the State can give him a nice taxi or an omnibus, it is not necessary that he should meet the cost of the maintenance of the car that he used to and he need not grudge paying something to the State that provides him with this amenity. Similarly, a man may like to give his child a pompom and other toys. The Government lay out big and nice parks, so as to make it easy for children to come and play in this place. In so doing, taxation by the Government will become necessary and this will have to be met by the family as part of the Budget pertaining to it As time progresses taxation becomes more and more a part of the family budget. You are asked, instead of spending money on your own private account, to pool it and give it to the State so that it might be spent more economically, more economically because it is being pooled together along with other people's expenditure in the same direction. In that way, taxes are not always abominable things and we have, therefore, to co-operate in order to make taxes popular—I say popular, not even acceptable. It should be made absolutely popular.

" Comment was made on the excise policy of this Government. I need not waste the time of the House by repeating the story of prohibition. Some people are willing to accept the Collector's opinion, tentative though it may be, for it relates only to the three months since prohibition has been in operation. The Collector is entitled to revise his opinion; he is entitled to change it and even to improve on it if the success warrants it. So people were prepared to accept this opinion and I am particularly pleased that the Leader of the Opposition was in a position to speak about this particular gentleman who is at present the Collector of Salem in terms of approval and confidence. It is not open to me who am in office to pass appreciative remarks about those who are serving the Government to-day. They would not like it and it would be embarrassing to them and it is not good. It should be possible for us to be free in that matter. But it was an opportunity which the Leader of the Opposition was good enough to use to express his confidence in the person. He is entitled to make that comment and I am glad he did that. But let me tell hon. Members that I am not a person who will suppress any unfavourable evidence, if available. I give them my assurance that everything will be placed at the disposal of hon. Members, even if it goes against the success of prohibition. In fact I have placed the report on the table of the House. I have quoted a paragraph in the budget speech; practically the whole report has been placed before the country and on the table of the Assembly; Members can get it. It has appeared in the press. There are facts for and against. The Collector has not suppressed facts which go against the movement. He cannot afford to do so. I may also say that I so strongly believe in prohibition that any facts going against it

do not make any impression upon me. Therefore I am not afraid of these facts; curious argument it may appear to be. I want people not to tell lies. If some time I tell a lie, it is because I will be hanged it I told the truth. 'Are you asking people to tell the truth on all occasions?' 'Yes,' I say. It may be the law is not right; it may be, society is not just, but Truth is always right; we cannot hang truth, because truth gives us grief. Similarly if placing temptations in the way of people in the matter of drinking leads to any misfortune, or loss or grief or positive harm, what is it due to? It is not because drinking is not bad; it is not because tempting people is not a sin. It is not less unjust or less true that drinking is bad; it is not less true that placing temptation before the people is wicked. But other causes are in operation. We must remember those causes. Therefore I don't mind if people run across the border of Salem on cycles, on foot or on motor buses to drink and to come back. It may be pointed out that prohibition has failed in this border area, that the Police cannot cope with it. We cannot have a policeman for every yard on the border. Therefore they say, prohibition must fail. I say, 'yes' to them, 'but prohibition has not failed; our police have failed; our society has failed; our watchers have failed; we must reform the police; we must amend the bus rules, we must alter the cycle rules; we must guard the border; we must extend the border.' Therefore, I say I am not afraid of facts going the other way, because I am on solid ground with regard to the evils of drinking and the sin of temptation. Therefore I say let nobody be imagining that I will keep back any facts because I am afraid that my movement will get unpopular. My conviction will become stronger and stronger whenever any difficulty is pointed out and when I have to remedy any defect. Nobody is interested in keeping back facts. Therefore, let nobody imagine that I have kept back any facts by design. The evidence of Ministers and of those who stand for a particular policy may be discounted. But the evidence of public servants who have no policy of their own—I won't say whose policy is the opposite of ours—is valuable evidence. To that extent that evidence becomes more valuable. Therefore it is, Sir, that I quoted a paragraph from Mr. Dixon's report, that I placed the report at the disposal of the press. I say again, this is only a three months' report; if during the next three months, facts go against us, I will place them before the country. Let nobody imagine that I am keeping back the other side of the report; I cannot do that; our permanent servants who are very conscientious are bound to give facts, and we require facts.

"Then comment was made on the increase of Excise revenue. It is said, 'Why has the drink revenue increased?" Because, people are drinking more. Therefore it is very bad; you must attend to the thing immediately. There is drinking in all places.' If I could reduce drinking and if I could cope with the difficulty in the shops running drinking under the old Excise Law, if I could reduce drinking alongside, why should I have a prohibition law? If I could do so under the old law, why should I move the Bill, why should I hustle, why

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should I weary the House and get this Bill passed, get it introduced in one district and proceed to other districts after the experience of six months in that district? I had to do so, because it is not possible to cope with the difficulties with the drink shops running alongside of them. That is why I appealed to friendly and unfriendly critics to have that Bill passed. This revenue is wicked money; it is sinful money; it is an enhanced amount of sinful money. Let nobody imagine that I am asking for it; let nobody imagine that I am counting on it. It is difficult, *almost impossible to reduce the Excise revenue from year to year, if you keep the shops running as we have to run them.* It may be asked 'why don't you reduce the number of shops, why don't you accept the recommendations of the un-official Excise Committees?' There is no use Members saying, 'reduce the shops, remove the shop from the Bells Road to Pophams Broadway and from Pophams Broadway to the next cheri.' I may say I do not believe in that method. I do not think that we can get over the difficulty, if you make people walk a few yards more. Merely reducing the number of shops on the roads because of the nuisance felt by gentlemen living close by, does not reduce the amount *of drinking going on. May I tell you a very early attempt of mine to remove the shops from the big municipal limits of Salem?* It is not merely the removal of one shop. We removed the shops entirely from within the Salem Municipal limits; we had on the border a number of shops, outside the municipal limits. Salem is a big municipality and its area is very large. We had a wonderful sight there outside the municipal limits; it was like a car festival outside every shop. I saw it with my own eyes. What I want to tell the House is this; usually the Harijan cheri or the Harijan village will always be outside the municipal limits. Harijans said, 'you are a good chairman; you have *removed the shops outside your municipality; you have brought them near to us, because our cheri is outside the municipal limits; the shops* are thus nearer to us than they were before: our people are being ruined; take them back to the municipal limits.' Therefore the proposal to reduce the shops or to remove one shop here and one shop there, will not do. It is not a new lesson. It is on the basis of this experience that I came to the conclusion that only prohibition can deal with the matter, not merely the removal of a few shops. Then, Sir, I want to tell hon. Members who may not have examined these matters very closely, that increased revenue is not due always to increased drinking; increased rates sometimes bring increased revenue and also increased speculation brings increased revenue to the Government. As soon as prohibition was introduced in Salem, the gentlemen who were not drinking but who were living on the drinking of the people, immediately took the train and ran up to the neighbouring districts. The bids were therefore larger. As there was greater speculation, it brought in increased revenue to the Government; increased revenue does not always mean that there is increased drinking; but we should remember that this is not a revenue on which the Government can depend. Increased speculation can go on for some time; but when these good gentlemen find that everybody in Salem does not rush to Chittoor or North Arcot or Mysore to drink, when they

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find that only a few misguided people in the border of the area rush to the border to drink, and when they find that there is no increase of custom, they will not bid so high. The Government know that they cannot depend upon this increased revenue and that is why we are cautious in estimating our revenues in this direction. Therefore I hope it will not be misunderstood if I claim that the Excise policy and administration of the present Government are sound.

" But, Sir, Mr. Saldanha, old but ever young, says, ' I do not agree with this policy of yours; here is a thing which produces money; here is a wealth producer; you are giving up an industry; you are ruining the real wealth-producing resources; it is bad; I do not agree with you.' Sir, up to a point, I agree with him; beyond the point I do not agree with him. I do not agree with him that all wealth is good; all money is not wealth and all wealth is not good; therefore it is not good to make money out of toddy, out of the misery of unhappy people. I hold that this wealth is not good; it is not real wealth if it is produced by ruining many families; to make such a kind of wealth is not good.

" But I am one with him when he says that you can make wealth not by intoxicating drinks but by making good drinks. He says, ' do that '; I agree with him. Mr. Saldanha and many experts can combine together and see how we can tap toddy—fresh toddy, mind you, let not Members of this House commit the mistake committed by the Prime Minister of the Punjab as he is reported to have done—it is sweet toddy and not fermented toddy. It is well that I make it clear; the word ' toddy ' is applied in the rest of India even to sweet toddy. Toddy is a Hindi term, if I may use that word without offence to the Urdu gentlemen here. In Madras we have different names for sweet toddy and intoxicating toddy; we have adopted the good Hindi word for fermented toddy. We call sweet toddy in Tamil, *padani* or Teluvu. In Northern India, they do not use the word ' padani.' They say ' toddy ' for the whole lot; ' toddy ' is the name of the tree in north India, just as in Telugu it is called ' Thati.' Out of it the word ' toddy ' has come. It stands there both for the sweet and the fermented varieties. And 1-15 p.m.
therefore, Sir, the Prime Minister of the Punjab made fun of our attempts, if the report is correct, to introduce prohibition allowing toddy to be tapped all over. We allow sweet juice to be tapped and the Northern Indian Minister may not have seen that we allow tapping for the making of jaggery, for the making of unfermented juice, but we do not allow tapping for the making of intoxicating liquor, which alone is the subject-matter of prohibition. But, if Mr. Saldanha and others can help us to seek to discover a way by which we can make the sweet unfermented juice popular and capable of being sold, clean and tidy, bottled up in ginger beer bottles, and aerated, it may be permitted. Then they may be fond of drinking it as a new drink. If it is properly aerated and stored it may be possible to prevent it from overfermentation. Then not only the Non-Brahmans but every good Brahman may drink it. (Laughter). If it could be done, I should be very pleased. But our old people, our

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ancients, were very careful. They said to the Brahmans—I am not speaking of the other communities—they told the Brahmans 'You are a special lot, you are too intellectual, you sometimes may not be able to restrain yourselves. Therefore you had better not drink even sweet toddy; you may perhaps discover the ways and means to put it by in your own home and make it fermented. So we will not allow even the sweet juice to be kept or stored in your house.' But it is allowed to others. But the modern Brahman may take the concession allowed to other people; he is imitating others and following their customs. Sweet juice may be aerated and sold. Certainly jaggery can be made out of it, power alcohol can be made out of it; certainly many good things may be made out of it, and real wealth can be made out of it in the shape of drink, power alcohol and so on. In these matters I am with Mr. Saldanha.

"Then, Sir, the main charge came with reference to land revenue. 'You have not reduced it. To the extent you have reduced it, it may be good enough, but it is merely what other people have done and therefore you have done nothing new.' Then again it was said that we should permanently reduce it and it is not enough if we reduced it from time to time in this manner. I do not think that I need repeat, Sir, what I have already stated in the other House in my speech with reference to our policy. The suggestion that we should make the thing permanent and unchangeable for all time is in one sense just. But in another sense it does not fit in with the modern principles of taxation. In one sense it is just so that people may know what their liabilities are, without being left to the whims and fancies of the executive to put up the rates whenever they like. But in the other sense that taxation should never be increased, that the power of collecting any taxes that may be found necessary for the benefit of the State should have to be limited for all time with reference to any matter, it is not right. We cannot allow any tax on any commodity to be permanently fixed so that it may be saved from further taxation. So also the income from land. But the criticism of our policy offered by the Hon. Member Sir K. V. Reddi is: 'It is all true that you are taking a great deal of interest in agriculturists, it may be the case you have real and genuine sympathy for these people; it may perhaps be, because the agriculturists have the power of the vote. The democratic power which they now possess is perhaps the real explanation for your interest in them.' I say about it that it is not a new found policy. I submit, Sir, in most cases, what is good is achieved by the voting power, and therefore you may attribute anything either to a genuine desire to do good or to the fear of the voter. It depends on your temperament, it depends on the facts which you may put forward. It is not very useful to try to analyse the activities of the Government and find out whether it is due to a genuine philanthrophic interest, or whether it is due to a real fear of the voter. It seems to me to be unnecessary to make that analysis. But it may serve perhaps to understand the criticism aright. What is the real motive behind it? Sir, Sir K. V. Reddi says 'we have done it, you have not done it.' That I

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say is distinctly reminiscent of the voters' power. What does it matter if this remission is due either to a desire to follow the good example of the previous Government or whether it is born of the fear of the voter, or whether it is due to our own genuine sympathy for the agriculturists? What does it matter? A concession is a concession, a lessening of the burden is a lessening of the burden and we are satisfied with it. But Sir K. V. Reddi says, 'This is done by us, not by you.' Why should it be necessary for Sir K. V. Reddi to say, 'This is done by us.' Ah! the voter has the vote and perhaps the voter has to be educated on this point. It might be useful in that way, but not for any other more substantial reason."

Dr. SIR K. V. REDDI NAYUDU:—"As a matter of personal explanation, I may point out that I do not claim it though I did it. The people expected that he would do something more than I did; and he did not do more. That is my point; that is all."

The Hon. Mr. C. RAJAGOPALACHARIAR:—"Thank you. I shall answer immediately. After a capable and well-informed Ministry find out exactly how far they can pull the financial string, how far the Budget can be extended and stretched without making a hole in it, and being perfectly safe and conscious of the fact that they have only to declare and need not be responsible for it later on or for many months thereafter, they pull it to the uttermost point and leave it at that. Then an extra rupee is a last straw on the camel's back, i.e., the Finance Minister's back. It is possible to sit at Ootacamund and do so and claim that it was declared by them on a certain day."

An hon. MEMBER:—"12th of July 1937."

The Hon. Mr. C. RAJAGOPALACHARIAR:—"It is possible to sit somewhere about that time and say, 'Shall we say 60, no 70, no 73, no 75? Let us say 75 and hand over the keys and then let us accuse the Congress Government that they have not added a rupee to the Rs. 75 lakhs that we had put down. What is all this claim to the credit of the Congress Ministry? The interim Ministry put down Rs. 75 lakhs and you have not done anything more.' It is quite easy, Sir, for a Ministry like that to declare a concession without being responsible for it and not only being not responsible for it but knowing that they will not be responsible. (Laughter.) It was quite easy to stretch it up to that point beyond which we cannot possibly go. I am grateful that even they did not stretch it to the breaking point. They might have gone, Sir, a little more; they might have put it as Rs. 100 lakhs without any harm to anybody and might have made it impossible for us. They were considerate. The old habit of being just, the old habit of being true perhaps saved them in this matter against political temptations. And they said, 'Well, we cannot go further now, but later we shall see. We must put it only at Rs. 75 lakhs and leave it at that. They may have to add the last straw and make it impossible. But let us leave it.' That is why I am grateful to them for that. But, Sir, it is not correct criticism in this connexion for Sir K. V. Reddi to urge that it was done by them;

nor was it done by 'us.' It does not matter by whom it has been done. Criticism should only be, 'Can we add more? And if so let us do so. Can we do less? If so I will also support you.' It is not right to go on thinking of the voter and say, 'To the extent they did or they have done, it had been conceived by us and therefore the whole credit goes to us.' If we proceed in that way I may say, Sir, that it was not the interim Ministry that conceived of this; it was the people who had grievances that conceived of it, brought it forth times without number, and they agitated for it in the press. They stated, 'We want the tax to be reduced; we want it to be reduced more and more.' Nobody can claim credit for the conception of this concession. The mere conception is nothing, but some thanks must be rendered to those who have taken charge of this 'orphan child' and who have to look after it. It was all easy for this baby to be conceived at Ootacamund, but it is more difficult to take charge of it and to look after it later on. This is real responsibility and I submit we are entitled to claim credit for discharging it. But, as I said before, credit is not a relevant matter at all.

"Then, Sir, let me go to the other point in respect of which very strong arguments were advanced, viz., Hindustani. Here also I am sorry to say that a great deal of ignorance has been given a free and full play. Mr. Quraishi, I hope he will excuse me with the generosity of a kind father, comes from a very good Islamic family; he comes from the same family as the Prophet himself. Quraishi, that is a good name. He knows or should know that Urdu or Hindustani, whatever you may call it, has nothing to do with Islam. It should not be mixed up by any propagandist with Islam. This language Hindustani is the language of both the Hindus and Mussalmans in India. It is not the language of any Mussalman outside India in any form or shape whatsoever. Let no Mussalman imagine that Muhammad spoke Hindustani or Urdu. The Prophet spoke Arabic, a very different language. That is nearer to Tamil perhaps than even Urdu. (Laughter.) I know there are some scholars of philology who have found similarity between Tamil roots, Dravidian roots and Arabic roots, in regard to certain words. Arabic has nothing to do with Hindustani. The Mussalmans of Turkey speak Turkish, a different language; the Mussalmans of Persia speak Persian; the Mussalmans of Arabia speak Arabic; the Mussalmans of Egypt speak a form of Arabic. Hindustani is the language of Hindustan, the language of India, of which we should be proud; and we should support it, because Tamilians too are in Hindustan and are not outside Hindustan. Now, it is said that in Northern India there is a quarrel between Urdu and Hindi. Yes, there is a quarrel between Urdu and Hindi. Therefore when we take up this question of a new language in South India, we are asked to go to Northern India and bring that quarrel over here. (Laughter.) This is a very dangerous political game. It may serve a purpose for a time; but it will mean heads; it will mean loss of life; it will mean terrible disaster to bring about a situation that prevails in Northern India in connexion with this into our Province. There is, Sir, a just equilibrium of misfortune in our

country. They have certain misfortunes to face in Northern India, and we have some to face in Southern India; but if temporarily political expediencies induce gentlemen to go and borrow the misfortunes of Northern India and import them into Southern India in addition to the misfortunes that we have, we shall be doing great injustice to our unfortunate people and to our unfortunate country. I crave of gentlemen who have anything to do with politics, not to borrow the quarrels of Northern India and add to the quarrels of Southern India. As I said, there is justice in the distribution of quarrels. It is just enough, as it is, however painful it may be. But, to add to our difficulties the difficulties of Northern India, or to add to the difficulties of Northern India some more difficulties borrowed from Southern India, would be a dangerous game to play either here or there. Therefore I say I am grieved to see that the quarrel between Hindi and Urdu has been brought into Southern India, unwittingly perhaps, but it is a very dangerous game. There is no need for that quarrel here. In Northern India the language that is spoken is spoken in different dialects. It is spoken by one community with one emphasis and by another community with another emphasis, just as in Tamil we have a peculiar dialect spoken by the educated classes and a wholly different dialect spoken by the uneducated classes. One kind of dialect is spoken by the peasants of Salem, a wholly different dialect is spoken by the peasants of Tinnevelly and another wholly different dialect is spoken by the peasants of Trichinopoly. The Brahmans speak a wholly different Tamil. குளிக்கவேண்டியா is one phrase and ஸ்நானம் செய்யா is another phrase, but both mean the same thing. Are they not Tamil, both of them? ஸ்நானமாச்சா is Urdu; குளிச்சாச்சா is Hindi; குளி ஆய் டேதா is Biharee; குளிச்சுப்போட்டயா is Punjabee. (Laughter.) In that way, there is a difference in dialect between district and district, between caste and caste, between community and community, and strata and strata in education. This is so in Tamil and in every other language. But there is one more difference, namely that of script. Now, if I write Hindustani in Nagari, it is called Hindi; if I write Hindustani in Urdu script, it can be called Urdu. The script which Urdu employs is the script of Persia and Arabia and it has come over with the Moghul and pre-Moghul Mussalmans. Therefore that script is used by the Mussalmans and Nagari script is used by the Hindus. But, if this is not correct, let me tell Mr. Quraishi who may not have gone to the Punjab, that in the Punjab and Sind, Hindus use the Urdu script and they do not know the Nagari script. It does not go by religion. Now, Hindustani is the name which is current in South India. But, in Northern India they call it Urdu or Hindi according to their liking. In Southern India it is called Hindustani because the Deccani Mussalmans, the Nizams and the Nawabs of the Carnatic called it Hindustani. So, throughout South India, wherever you may go . . ."

Mr. Ghulam Jilani Quraishi rose.

THE HON. MR. C. RAJAGOPALACHARIAR :—" I may be corrected later on. This is not very relevant. I will mention the facts as I know

them. I am pretty certain I am correct. Whatever the origin may be in Southern India we are familiar with the term 'Hindustani.' In th Nizam's Dominions, now they prefer to call it Urdu and the wor 'Hindustani' has gone a little bit out of favour. But there are politica causes and historical causes for these differences. In South India, i I say let us speak 'Hindustani,' every Sanatanist would assume that am trying to convert people to Islam because it is the name which the give to the language spoken by the Mussalmans. Therefore the wor 'Hindustani' is current in South India and we use the word 'Hindus tani' for this language. But there is another reason also for this word The Congress has identified itself with the movement for a second commo language, which will be the *lingua franca* and serve as a commo medium of expression. The Congress which has identified itself wit the progress of that movement has said: 'Let us call it Hindi o Hindustani and not exclusively Hindi and make people imagine tha it is a different from Urdu.' Therefore the term 'Hindustani' wa applied by the Congress to this and we are using that name.

"Let me say something more. The language of the bazaar and th language of the village is common. But highly educated people us either Sanskrit words or Persian words according to their tradition, famil usage and education. We are not here going to teach a language fo the purpose of culture. We are going only to teach our people th language which is necessary for communication between man and ma throughout India. Therefore there is no risk of our getting into dee waters with reference to culture and the particular amount of Sanskri or particular quantity of Persian that will go into the language. W are dealing only with that language which can be written either i Urdu or in Devanagari and which will be mistaken by nobody, not eve a prejudiced person, to be what he wants and not what the other ma wants. The same readers will have the same lessons and the same text will serve for both the scripts. Read in Urdu it is Urdu; read in Deva nagari it is Hindi and nobody can complain. Even now, to call the as different languages, is merely an exaggeration. They are n different languages at all by any means. We should have no difficult about it in Southern India at all.

"Sir, the Leader of the Opposition asked me to explain exactl what our programme in this respect is so that there may be no mis conception. I say that institutions where this teaching will be intro duced will have a free margin to decide for themselves; Mussalma boys who know Urdu or prefer Urdu, will have the Urdu script, an where there is no demand for Urdu script, the Devanagari script wil be used if the boys prefer that. There is an advantage for Hindu boy in Devanagari script, because it will introduce them not only to Hindi but it will introduce them to Marathi, Gujarati and many othe languages which are written in Devanagari script and induce them t Sanskrit studies. Therefore, Hindu boys have a right to deman Devanagari script and Urdu speaking people may, if they please

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enjoy the right of demanding Urdu script also. So, the Government will place no difficulties in the matter of script. The language is a common language and it will be certainly accepted by pandits and by maulvis.

" But let me take the gentlemen on the other side a little more into confidence with reference to what we are doing. We are attempting to bring out these readers and we have succeeded in a fair measure. The readers are being prepared by an institution in Delhi devoted to Muslim education and they are collating and putting down the lessons together so as to be free from any quarrel in this respect, and I have no doubt whatever that Hindu fanatics also will have no objection to these lessons. I have no fears in this matter that there will be any compulsion whatever, that is, even if there should be a live, full-dress quarrel between Hindi and Urdu in our province which I hope is not necessary and will not be found necessary.

" It may be asked: 'Then, why is this necessary? Let us have any language we want.' It is, Sir, too late, too unnecessary altogether to argue that point. It has a great advantage. It will be a great disadvantage to our province and it will be a lasting grief for us if, even when we have been responsible for the administration, we do not fill up this blank and we do not correct this mistake of our past, of not having a knowledge of a language which is spoken throughout India. We cannot be civilized without being in the line of communications with the rest of our country. We cannot call ourselves a civilized people and say that we are giving the necessary minimum of education to our boys and girls if, after all the education we give, they are unable to get along in the streets of Benares or Calcutta or Bombay. It is not education. It may be anything else. It is therefore as necessary to know Hindustani in modern times as to ride a bicycle or to get into a bus in the right way. I submit therefore that it should be unnecessary for me to apologize for the introduction of this subject. But let there be no fear or apprehension that this is going to be a burden.

" The Right Hon. Sastri was perfectly right in attributing to me caution. He is right, only he must give me the liberty to decide as to how far I can sacrifice and how far I can proceed. On the whole he approved of the line that we have followed in this matter. But he certainly knows as a schoolmaster that education cannot be voluntary after all and that to a certain extent there is a compulsory element not only in education as a whole but in every class lesson and in every period of class work. There is a certain amount of compulsion in all this. This theory of voluntary schooling cannot be carried beyond a certain point. Education is essentially a compulsory affair, because we are dealing with boys who do not know what is good for themselves and therefore we have to introduce a little compulsion in this matter. It was said by a responsible Member of this House—not that he himself said it, but there were grave apprehensions in certain minds with

which he had come into contact and to which he gave expression—that possibly this may result in the detaining of students in promotions and so on. It may mean two things: that some boys unfortunately may get detained, which is not good even though they fail in some subjects. There are some people who think that their boys should not be detained even if they fail, for instance, in arithmetic, and they quarrel with the district board presidents and the headmasters. They quarrel like that for the failures of their boys. But it may mean another thing that we are interested in detaining some boys and so we have devised a programme like this. I hope the hon. Member did not mean it. (Dr. Sir K. V. Reddi Nayudu: 'Certainly not, I can assure the Hon. Premier.') So, I was not answering that. Otherwise I should have said that it is extremely unfair. We may commit mistakes, but in education, well, we should be careful. As the Right Hon. Sastri said, 'Education is so precious. You may make experiments in 1-45 p.m. other things if you like, but be careful in this matter of education. Education is like the boat in which we are sailing. We cannot afford to make experiments in changing the bottom while we are in mid-water.' Yes, he is right. But education is also the place where many experiments can be made. Can the Right Hon. Srinivasa Sastri say that we have succeeded with our education? Nobody can say that we have done well or as well as we should or could. We have to do a great deal more. Education is important for the very reason he gave, namely, it is the bottom of everything. Unless we improve that, we cannot do anything else. A few experiments are necessary even in education.

"That takes me on to the Wardha scheme. It is not 'Wârdha' scheme. I beg of people to pronounce it correctly. It is 'Wardha' and has nothing to do with war. It is the ordinary Sanskrit word that we all know. The scheme has been rightly explained by the Vice-Chancellor of the Madras University Mr. S. E. Runganathan. It is only this: emphasis is on the occupation; education centres round an occupation and not round a printed book. I can teach a boy mathematics if he is doing carpentry. There is no difficulty in teaching him the measurement of length, breadth, area and volume. I can also teach him all about trigonometry. In the same way it is possible to teach boys who are engaged in an occupation to learn that occupation and build their education round that occupation. That is the scheme. Whether it should be self-supporting or not, is a different matter. It is true that Gandhiji started with the idea that it should be self-supporting. As I explained in the other House, in the transition stage a thing which ought to give a certain amount of income would not be able to give that income. A policy of change means in the beginning a policy of even extravagant expenditure. If the change is necessary we will have to spend for it. But we should note that we are not spending for the new thing, but that we are spending for the errors committed before. Therefore a change is often costly. For instance, take the medium of instruction. Hitherto all instruction in the high

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schools and the colleges has been given in English. Suppose we change over to our own languages and ask our teachers and professors to teach physics, chemistry and trigonometry through the medium of Tamil or Telugu. There will be a terrible wastage of time and energy on the part of the schoolmasters and the professors. In fact the professors will say that they cannot get through the whole of the subject before the end of the term if they should use the mother tongue. Why? Because they, the teachers, have not been trained in it; they are ignorant of their mother-tongue and they have not set their hearts and minds on it. They have not changed over and it will take more time, more energy and more expense. The expenditure incurred during the transition is for making amends for our previous faults and not for the new reform. Therefore, if in the beginning the Wardha scheme shows itself to be costly, hon. Members should not be in a hurry to get the impression that the new policy is a costly policy. With that caution we should proceed in any experiment that we make. There too the Right Hon. Srinivasa Sastri advised us, correctly and wisely: 'Don't be too fast; don't be too hasty; give more and more respect to the old schoolmasters and their methods which have done a great deal in the past.' Sir, we shall not be wanting in our appreciation of this warning. I do hope that we shall do things warily. There is every chance of a wary experiment proving more successful than a hasty experiment, and we wish to see this experiment yield its best results.

" 'Explain how you are going to use the large sums of loan money that you are going to raise', asked some hon. Members. Reference was made to other matters also in that connexion. I may explain, Sir, at once, that this loan money we are intending to spend for lending to the peasantry in order to discharge their debts and relieve their lands from the burden of debt, will be limited in the nature of things to the smaller peasants, because the amount, as some hon. Member remarked, is a drop in the ocean. Half a crore is nothing in a heavily indebted province like ours where the total debt is supposed to be 200 crores. We have to take the cases of peasants who have debts below a certain figure. Let me, for the sake of example, without committing myself to any figure, say that this amount will be advanced only to those peasants whose lands will be cleared of all debts by the payment of Rs. 200, Rs. 300, Rs. 500 or Rs. 1,000 or whatever we may fix. It will be limited in that manner. Secondly, this money is not going to be put into the hands of any agency outside Government. It will be put in the hands of agencies responsible to the Government directly and intimately and it will be spent in that manner with perfect care and caution. On a former occasion Sir K. V. Reddi said—I hope I am quoting him correctly—that while he was a Member of the Government some time ago he went about the districts of Godavari and Kistna with 35 lakhs in hand but that nobody came to borrow and that he was not able to disburse the amount. It was true. But I do hope that we shall be able to disburse this amount, because we hope to have the law enforced by which voluntary conciliation will be replaced

by compulsory scaling down. This money will not be given away to the peasantry until after all the creditors have been brought together in each case and they have agreed to receive a reasonable sum. This money will not be given merely to meet the extravagant claims of any particular set of creditors. The scaling down will be by the process of law, and the peasant will know that if he repays the scaled down debt his land will be cleared of all debts and that the law will come to his aid. Under this arrangement there will be the certainty of bringing succour to the indebted peasant and it will be readily accepted by both the parties. Therefore we are more hopeful in the disbursing of this amount. There is no difficulty either in the policy or in the efficacy of the distribution of this amount.

"Then, Sir, it was said with regard to the cut in salaries that we should not forget to increase the salaries that are low. It is a large order, so large that if we increase the salary of every village official by one rupee—I am not making any proposal, let no village munsif's mouth water, I am merely supposing it for the purpose of calculation—if I increase the salary of every village official by one rupee only—if you like you may increase it by two rupees and double my figures afterwards—the total extra amount that will have to be found will be Rs. 13 lakhs for the whole province. If the increase is two rupees it will be Rs. 26 lakhs. But if you increase the pay of the village officials by one rupee, surely you cannot forget the peons and others who are also low paid. If we increase the pay of the peons and other menials by one rupee you will have to find another ten lakhs. Only one rupee more and that is not much. If you similarly increase the pay of the poor constables you will have to find another three lakhs more at least. So that altogether this programme would cost at the rate of Rs. 26 lakhs for each rupee of increase. That is why I call it a large order. But you may say the increase is just and that I must make it. I am prepared to make it the moment the House sanctions taxation for that amount. I won't use for anything else, any taxation that the House may sanction for the purpose. It may be said: 'Reduce the salaries of others.' I have told you that story. I proposed a very drastic cut ranging from 7½ per cent to 30 per cent. People pleaded that it should not be uniform and that it should be graded. It was graded from 7½ per cent to 30 per cent. according to the capacity of the persons concerned to bear the cut, the greater cut being on the higher salaries. Then people asked: 'What do you say about the existing incumbents in the services; what do you say about people who are already drawing certain salaries and have their commitments?' I think that, on the whole, it was agreed that theirs was a good claim. Then we restricted the cut to the new entrants and the new promotees who have not been put even in the very grade. But I hear rumblings of discontent even there. 'Hullo! last year I was about to be promoted and you are bringing the axe on that which I have been looking forward to all these years.' These complaints are coming in. But I have not allowed these to weigh with me. I have calculated that the

saving will be Rs. 16 lakhs at the end of it all and that this year it will be a paltry sum, as was pointed out, of Rs. 41,000. It is nothing much. Therefore, merely to apply the axe to the higher posts does not help us much. It is not because we are unwilling, but because, in the nature of things, we have to have such a large number of posts in the lower grades and so few posts in the higher grades with the result that the posts in the higher grades attract so much attention and involve so much competition. They are not many after all and any saving that you may make in their pay will be very small. But in the long run we are bound to save. At least for the moral and psychological effect of it, we are bound to cut down the big salaries. But by itself, the amount so saved will not be enough to pay the others. I have to say all this, Sir, in answer to the all too easy suggestion that has been made with regard to salaries. Here again I say that it may serve as a good plank in an electoral programme but it is a very difficult thing for a responsible Government to execute. On the question of the increase of pay of the lower paid officials and menials, this is all that I wanted to say with reference to the suggestion that has been made.

" 'Train members for the rural service; you are better fitted for it being Congressmen and you have the necessary power and the means. Train a corps of efficient young men who will attend to the wants of our villages.' So said the Rt. Hon. Srinivasa Sastri. I entirely agree, Sir. But he did continue to listen to speeches in the House that were made thereafter. I want him to ponder over those speeches. Every effort of this kind is attended with the danger of being suspected as a party move to strengthen our own hands. I wish, Sir, with the Rt. Hon. Srinivasa Sastri, that all of us had innocent minds and innocent intentions. But it is not the fact. It is true that the Harijan Sevak Sanghs have been started with a certain amount of patronage from the Congress and they have a certain connexion with the Congress. It is true that the All-India Spinners' Association was started under the auspices of the Congress. But these have nothing to do with politics and nothing to do with Congress, as such. They are rigidly and energetically kept out of the Congress by Mahatma Gandhi and by everyone, down to the volunteer in the Congress camp. These have nothing to do with party politics. I can swear to it. Hon. Members who do not know the facts may say that I am swearing all too easily. But I say it is a fact. Yet, what has been said here? 'Why is all this money given away to the All-India Spinners' Association?' Is the money given away to the All-India Spinners' Association? Not at all. The 2 p.m. money is given to the spinners and weavers through the All-India Spinners' Association. Now, is there anybody other than the All-India Spinners' Association, not to speak of the people who are actually at it, who knows anything about *khadi*; is there anybody other than the All-India Spinners' Association who has come in contact with this cloth or with the making of this cloth or with the spinners and the weavers? Has anybody found out, how the money is distributed and where and how it is given? We are giving the plan and the method

by which it should be distributed. Every item there has to be audited with vouchers by the Government. It is not given away as a grant to the association. The association act as our agents for distribution of the amount, and they are our unpaid and unremunerated servants. They distribute the money and after the amount is spent, the vouchers are checked. Now, that is not known, not understood, but suspected. The criticism is, 'You strengthen your political men for political reasons,' and that can be said if every other criticism fails.

"Then, Sir, in regard to the Hindi teachers, it was observed, 'is it the Hindi Pracharaks who are going to teach Hindi?' We have asked for teachers to be employed by the department and we have asked the department to see that they possess the necessary qualifications. We have insisted that it is not enough if they know only Hindustani, but that they should also possess the other general qualifications, such as S.S.L.C. and the like, and be competent schoolmasters. And yet, the word Hindustani has created such apprehensions that some people imagine that it is a covert attempt to strengthen the Hindi Pracharak Sabha which is associated with the Congress in someway or other. There also, it is another association which is absolutely under severe penalties kept away from politics. That is the atmosphere in which we have to work. Some hon. Members whose innocence I appreciate and whose good heart I admire, have gone out of their way to suggest to us, 'Congress is a great organization, Congress can do so many things, you can train a corps of village workers, send them out to Wardha and make them study there, so that they can help every body.' Yes. Release me from this Ministry and I shall go and work myself and if others follow or not, it does not matter. But, it is not possible, however, though I won't say 'no' straightaway. It is, I think, not possible for this Ministry to say, 'We shall entrust this work of training village workers to any Congress organization that will do it and then we will trust and believe that others will not raise any objections to this or create suspicion.' I have not got that courage, I am sorry to say. I would rather be guilty of refusing grants to an association that is connected with the Congress even though it is the justest grant, if hon. Members opposite will still continue suspecting us and circulating second-hand apprehensions. I maintain that these associations alone are in touch with the people for whom this benefit is intended and therefore they alone can work properly and use the money carefully. I am aware of all that. Yet, sometimes, we have to make sacrifices. We have to make sacrifices on account not only of the sentiments, but even on account of the misjudgments of others and of the misapprehensions of other people. Therefore, it is not so easy, Sir, to carry out this suggestion that Congress can put all its efforts into the creation of a band of workers who will go round the rural areas and change the face of the villages. It is possible, I know, if everybody will combine and give that order, but it is not possible if still these suspicions and apprehensions are entertained. I have no doubt whatsoever, however, that a day will come when I must rise above these

apprehensions and have the courage to act. When, I say, ' I ', I mean not myself, but somebody or anybody who takes my place later on. That day will come when in the history of our country, it will be possible for all these mists to be cleared. Then it will be possible to train a band of rural workers. I think it was the Rt. Hon. Sastri who referred to a programme that was envisaged by the Congress Ministry in the United Provinces. Yes, and I know more about it. It is a very good thing, but I know how difficult it has been for them to do it and I was confirmed in my apprehensions when I enquired about it and how it fared later on. Therefore, without going into details about these things, I would like gentlemen in the Rt. Hon. Sastri's position to understand the difficulties; and it is a matter for sorrow that we are not able to execute some things which our conscience asks us to execute straightaway.

" ' Settle the graduates on uncultivated land,' was another slogan raised. I won't say it is wrong. Graduates or non-graduates, there are people without employment; we have to settle them on land. The rural unemployed are also unemployed and not merely the graduates. Somehow or other, the word ' unemployment ' has become technically confined in our part of the country to the unemployment of educated gentlemen. The unemployment that we see in the rural areas right through, thick as the dust itself, goes by a different name, or does not go by any name at all. But, the unemployment of these graduates attracts attention and it is called unemployment. To settle them on land is good. But, Sir, I have the imagination to see that it will fail. The education that has been given to them is not such that will make them succeed on the land. If any of these unemployed graduates is given some land, I picture to myself—I may be a pessimist, but I picture to myself—his calling together immediately a number of peasants and saying to them, ' Cultivate the land and I shall sit in my chair, or I shall sit somewhere else, it may not be on a chair but on some bundle of faggots, and I shall watch from there; or I shall sit on the ' varappu '—as it is called in Tamil, that is, the ridge between two fields—and I shall watch the work.' Because, he is an educated man, he does not know how to approach a bullock; he is afraid of the bullock; he thinks the bullock is an animal with two horns and he does not know how to get at it. He does not know how to hold or drive a plough. Mind you, these large pieces of land, millions of acres—and when I mention that, it makes some hon. Members' mouths water—are not situated in one place, but they are situated in tiny bits and spread all over the country—and if these lands which have not been taken over by the neighbouring peasantry who alone know how to cultivate them and who alone know the value of the land but have not cared for it so far, are handed over to my friends from the Presidency College, or the Pachaiyappa's College even, I know what will happen. It will be a very difficult task for them, because their fathers and fathers-in-law will have to spend money over them which will all be lost. Land is not a paying concern even for the poor agricultural peasant who puts his own

shoulders to the plough and it will be a much more difficult thing for gentlemen who are educated, and who are unemployed. That is a practical difficulty. I cannot, merely by standing here, utter a formula, but I will have to carry it out, if I say, 'yes' and accept the formula. Therefore, these are some of the difficulties that I wish to place before the country. But, improve your education and make it possible for the educated boy not to remain unemployed because the Government office is closed or a commercial office puts up a board saying 'no vacancies.' You must make it possible for him to get near a cow or a horse or a bullock-cart and sit in front of it, as one of my colleagues can do. He can drive a bullock-cart and in fact he did it once during our tours. It was because my colleague was perhaps sometimes off-duty at the college that he was able to learn this thing. It is because of the failure and the lapses in the college that our boys learn some things and such boys can get on all right in life. For the development of such habits our boys should be given a better system of education. That is where the Wardha scheme comes in. A little bit of occupation, experience and training at the outset will go a long way and will keep on to the very end, and then we can drive these unemployed graduates, if they still remain unemployed to the land. It was because they did not want the land that they came into the college. Do people who suggest this fact, know that if they had cared for the land, they would not have wasted money on their education but would have remained on the land itself? It was because they wanted to escape from the troubles of the land that they went to schools and colleges and spent money thinking it was a better investment; and if at the end of it all, you drive them back to the land in their own unprepared condition you will probably land them in great difficulties. But, if it is possible, you may do it.

"Sir, I do not think I should try the patience of the House any further. Just one bit of information to Mr. Ahmed Miran, because I think it was he who quoted some figures with an air of absolute accuracy. He said, 'You have got over 106·89 lakhs, from judicial stamps, but you are spending only 95·58 lakhs on Administration of Justice. It is wrong to have a surplus.' I want hon. Members in this House at least, being elder Members, to know and remember that the cost of Administration of Justice is not shown only under the head 'Administration of Justice.' The magistracy and other such branches are also part of the Administration of Justice, without which very little justice can be dispensed. I would ask my hon. Friends to refer to pages 96 and 97 of the Budget Memorandum and to see that the 33 lakhs there can be put against Administration of Justice and if you include this 33 lakhs with the 95 and odd lakhs under Administration of Justice, hon. Members will see that about 129 lakhs are spent on Administration of Justice, whereas judicial stamps bring in only less. So that, even from the bare arithmetical point of view, it is not correct to say that we are making a profit from this head. But that is only about figures.

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"Then Sir, some reference was made by Mr. Ahmed Miran—I must congratulate him again for making a good speech—and I must once again thank him specially for he said, 'Your agricultural demonstrations extend all over the Province, but they merely run into expenditure and really produce very little effect.' He suggested, 'it is better you concentrate and make intensive demonstrations and experiments in certain places so that knowledge might spread gradually and it is unnecessary to try and wander all over the country.' I agree with him in this matter. But I cannot declare it as a policy at present. I am inclined very much to agree with him, if only there will be no complaints, 'Oh, you have given agricultural demonstrators to such and such district, why not you give to our district also; you have given them to Cuddapah, why not you give them to Malabar; you have given them to Tanjore, why not give them to Vizagapatam?' All the bigger land-owners and all the bigger farmers get advantage from them, because they can put the advantage to effect, as they can afford to do so more than the smaller land-owners. For it is well known, generally the results carried on in demonstration farms are beyond the capacity of the peasantry. The bigger land-owners particularly put a great deal of pressure to get the agricultural demonstrators near about them. If only all will co-operate to reduce the expenditure on these scientific development departments and to increase the advantage of having these, nobody will be more grateful than the present Government.

"I thank you, Sir, very much for giving me such extraordinary indulgence in the amount of time that you have given me to reply, and I thank once again hon. Members for the very large measure of approval and co-operation in regard to the estimates."

* Mr. PRESIDENT:—"The debate on the general discussion of the budget is now closed. The House will now adjourn and reassemble at 3-15 p.m. to-day."

After Lunch (3-15 p.m.).

III.—THE MADRAS MOTOR VEHICLES TAXATION (AMENDMENT) BILL, 1938 (AS PASSED BY THE ASSEMBLY).

* The Hon. Mr. K. RAMAN MENON:—"Mr. President, Sir, I beg to move—

> '*that the Bill* [a] *further to amend the Madras Motor Vehicles Taxation Act,* 1931, *for a certain purpose* (*L.A. Bill No.* 3 *of* 1938) *as passed by the Legislative Assembly be taken into consideration at once*'."

Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—"May I ask the Hon. Minister to explain the necessity for this Bill?"

* The Hon. Mr. K. RAMAN MENON:—"As hon. Members are aware there is the Madras Motor Vehicles Taxation Act, 1931, under which tax is levied on motor vehicles. At the time when that Act was passed, the idea was that the amount realized by way of taxation on motor vehicles should be divided among the various local bodies in

[a] Printed as Appendix II on page 495 infra.

certain proportions. Section 10, sub-section 1, of that Act makes provision for the realization of that tax and distribution thereof to the local bodies. Section 72 (*d*) (3) (iii) of the old Government of India Act provided that all expenditure of which the amount was prescribed by or under law was non-votable. Thus that Act enabled the Local Government to distribute such amount without the vote of the legislature. But now under the new Government of India Act, 1935, an Act of the Provincial Legislature charging the expenditure on Provincial revenues is required before it can be treated as charged on the revenues. It is for the purpose of charging this expenditure upon the Provincial revenues that this Bill is now being introduced, so that the tax levied on motor vehicles, when realized, may be distributed among the several local bodies without the vote of the House."

The motion was put and carried and the Bill was taken into consideration.

Clause 2 was put and carried.

Clause 1 was put and carried.

The Preamble was put and carried.

THE HON. MR. K. RAMAN MENON:—" Mr. President, Sir, I move—

' *that the Bill be passed into law* '."

The motion was put and carried and the Bill was passed into law.

IV.—THE MADRAS TRAFFIC CONTROL BILL, 1938 (AS PASSED BY THE ASSEMBLY).

*THE HON. MR. K. RAMAN MENON:—" Mr. President, Sir, I beg to move—

' *that the Bill [a] entitled a Bill to provide for the Control of Traffic in public places in the Province of Madras as passed by the Legislative Assembly be taken into consideration at once* '."

*KHAN BAHADUR SIR MAHOMED USMAN SAHIB BAHADUR:—" Mr. President, Sir, the owners of buses and lorries in this Presidency have been agitating all these years for a reduction in the taxation and I find from the Bill now before us that there is to be an increase in taxation instead of a decrease. From the discussions in the Legislative Assembly reported in the newspapers I find that the Hon. Minister has given an assurance in that House that Government are not going to increase taxation, though under this Bill they are taking power in that behalf. If it is so, I would like to have a similar assurance on the floor of this House."

*KHAN BAHADUR MOULAVI GHULAM JILANI QURAISHI:—" Sir, I oppose the introduction of this Bill. With your permission I beg to state that I do not appreciate either the motive behind this

[a] Printed as Appendix III at pages 496-506 infra.

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measure, or the high incidence of taxation provided in it. I cannot mince matters, nor am I capable of dissimulation. I am frank as to the necessity for this Bill, and cannot but say what I honestly feel. During the last few months, the Congress Ministry has been in office, and we have seen a spate of discriminatory legislation. We cannot but set our faces against such legislation, especially in the initial stage of Provincial Autonomy. Our legislative records, in my humble opinion should not be blotched by such ugly stains. I, therefore, express my disagreement with this measure in all good faith and sincerity.

"The first outstanding feature of the Bill is the discrimination it makes between motor vehicles and lorries with pneumatic tyres and bullock-carts without such tyres which—it cannot be contradicted nor refuted—cause not a little damage to our roads. The former are subjected to heavy taxation, while the latter are immune from it. The capacity to pay is not the only safe criterion or guiding principle. No convincing reason has been advanced to justify such a differential treatment. The inference is irresistable that the disguised motive is to cripple foreign motor trade and its expansion in this country, which badly requires it now in these advanced days for deriving the maximum benefit from all the speedy conveniences it affords. Does not this betray prejudice, will it not provoke international hostility and react on our international trade? In my humble opinion, it is very necessary in these days to take long views and conceive measures of the kind in an atmosphere of goodwill, taking care to dispel suspicion. The feeling is gaining ground that the policy of discrimination will have to be revised, if not abandoned.

"The outstanding feature of the Bill, that vitiates it, is, in my opinion, the deliberate ouster of jurisdiction of the civil courts preventing aggrieved persons from resorting to them for redressal of the wrongs done to them by the executive machinery. Such usurpation by the executive of judicial powers will have to be condemned with all the emphasis at one's command. Democracy is dethroned, Sir, and all tall talk about the so-called broad and noble ideals of the Congress is sheer camouflage."

MR. T. A. RAMALINGAM CHETTIYAR:—"Sir, I am really taken aback by the speech that was just now delivered. If some of the things he mentioned were true, if this measure is really discriminatory legislation in favour of crippling foreign motor trade, I would certainly welcome such arguments with greater ardour than my friend himself showed. But unfortunately we find in the country, wherever we go, the country carts are re-placed by buses and lorries, and the poor cart-man who used to eke out his small livelihood when he had not work on land could not now find any sort of fare whatsoever with the result that he does not get anything in the off-season. So, I fear my friend has not got—what shall I say—experience of the countryside to justify the remarks he made,

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"Again what he said was, if I understood him aright, that the lorries and the buses are to be heavily taxed. In the first place, I ought to say that he is raising this objection rather too late. This is only an amending Bill, and already taxes on the lorries and the buses exist in the statute book; and the lorries and buses have been paying taxes for a long time now. What is attempted now is only to unify the control in the giving of licences to these lorries and buses.

"Incidentally no doubt the charges are raised a bit. I suppose it is for the purpose of covering expenditure to be incurred on the appointment of properly qualified inspectors and things like that. At the present moment, the hon. Member, Mr. Quraishi, must know that the bus inspectors are not trained people and they are not competent. There are so many complaints made against them by the public. If you do not have properly qualified men, you will not be able to testify to the soundness of the buses and their fitness and safety for being able to carry the public. So it is quite essential that we must have able and fully qualified inspectors upon whose integrity, qualification and training alone the public safety depends so much. So, for that purpose probably the Government require a little more money for appointing good and qualified inspectors and for that they want to impose some additional taxation which is very little indeed. I believe the Hon. Minister said in the Lower House that it was not necessary to raise the rates up to the maximum limit and that he would be prepared to impose less. That ought to satisfy everybody.

"My friend, Mr. Quraishi, went very far indeed and he said that the imposition of additional taxation was an attempt against foreign competition, of buses and motor lorries manufactured in other countries. He was a little poetic; he was a little imaginative. Now what do we find on facts? Motors and buses have increased very much in number. What is the number that is being registered now every-year? If he had only taken the trouble to find out whether the number has been going up or going down since the additional taxes were imposed—the taxes which he considers heavy—he would have found that he had no justification whatsoever. In spite of the additional taxes that have been levied, there have been so many lorries and so many motor buses on every public road in our districts. In the course of the next few years, the country cart will be a thing of the past about which our children may be telling stories among themselves and which they may not be able to see at all. I am surprised at the objection that has been raised so far as the present Bill is concerned, leaving aside the original Bill for which the poor Congress Government is not responsible. All that the present Bill does is to unify the control and to register the rates fixed by the original Bill that was passed by the pre-Congress Government. It was that Government that was responsible for the high taxation which my learned friend was complaining about. The Congress Government does not take responsibility for the taxation already imposed, nor is it chary of

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taking money that comes out of the taxes like this. Sir, this is one of the legitimate items of income to the Government obtained by means of taxes that can be levied from persons who make large profits by having buses and lorries and who do not feel the burden of such taxation. Such being the easy method of taxation, no Government will neglect to get such income and it is for those reasons that the pre-Congress Government imposed such additional taxation and the Congress Government is certainly justified in taking advantage of such taxation and registering the rates and fixing the authority in whom the control of the whole bus traffic should be vested."

* DR. P. J. THOMAS:—" Sir, I cannot claim to have studied the Bill thoroughly. But I am clear about two points and I shall place them before you. I fear my hon. and esteemed Friend Mr. Quraishi has taken undue alarm about this Bill. The two points which I see in its favour are these: One is that all transport stands in need of regulation by Government and this need has lately grown by the extension of transport agencies. Local bodies cannot effectively carry out this regulation. The kind of regulation that has been going on is rather un-co-ordinated and we require a uniform regulation by the Provincial Government. Throughout the civilized world to-day, traffic, especially motor traffic, is controlled and regulated by Governments very carefully and on a carefully devised plan. In the neighbouring State of Travancore, the State not only controls traffic but has taken up the ownership and management of motor transport. This may perhaps be too large an order for governmental management, but I can quite understand this need for careful regulation of transport. The Provincial Government has a duty to co-ordinate the whole of the transport agency in the public interest.

" The Public Works Department will tell us that this is necessary. As for taxation of vehicles, there is need for discriminating between motor vehicles and other vehicles. Further, this is in conformity with the principle of charging in the case of all transport agencies, i.e., 'charge what the traffic will bear.' The railways charge gold and other valuable goods at a higher rate than cotton or jute or coal, because the former can afford to pay more. In the same way, motor buses and lorries are apt to make much larger profits than bullock-carts, and it stands to reason that they should pay higher taxes. So I think there is every justification in applying the principle of charging what the traffic will bear. The present levy is for meeting the cost of regulation; but I would go further had I the power. I would raise a tax on motor buses and lorries, and thus increase the revenue of the State.

" I do not think I need go into other details of the Bill. The Bill is on the whole on right lines, and rather conservative. I therefore hope that Mr. Quraishi will cease to take alarm at this measure. I do hope also that in course of time we will go further and make motor

traffic the means of increasing the revenues of the State. Perhaps a day will come when the State will directly take up the ownership of this very important and vital economic activity."

Mr. J. A. SALDANHA:—" Sir, there are two main objections to this Bill. One is too much concentration of powers or too much autocracy in the hands of the local Government—whether it is the Congress Government or any other Government, it does not matter. It gives powers to the local Government to create bodies and boards or local authorities, as they are called, in different districts, and there is a great indefiniteness about it. What sort of local authority it is, is not made clear. It may be that the official element will predominate, either the Collector of the District or the District Superintendent of Police and too much power may be placed in the hands of the executive. Whether such a body will include non-official Members or not is not made clear.

"The other objection is that the jurisdiction of the civil courts is altogether excluded. I have gone over the old Act—the Government of India Motor Vehicles Act—which is referred to here and I do not find that it ousts the jurisdiction of the civil courts. I have brought up an amendment for this purpose. I make that statement only as a suggestion—not that I am going to oppose the Bill on that ground. Well, in creating the local authority, the Government will perhaps appoint the Collector of the District as the president of that body. What I would suggest is that a certain number of non-official Members, both Members of the Legislative Council and Members of the Legislative Assembly, may be included in that board. Of course, they might belong to different parties and this will be a sort of check and counter-check in that board. Then the central board may also consist of a certain number of non-official Members. The Mayor of the Madras Corporation may be the president of that body and the Commissioner and the Inspector-General of Police, along with some Members of the Legislative Council and Members of the Legislative Assembly may be added to the board. I only throw this out as a suggestion. I shall move my amendment when the proper time comes."

Mr. K. MADHAVA MENON:—" Sir, there is a considerable amount of apprehension that the powers of the local bodies are taken away under this Bill. In fact, those who have worked the Local Boards Act know that the local bodies have very little power over the control of this motor traffic. As a matter of fact, the District Magistrate or the District Superintendent of Police exercises all the powers. I want only to stress this point against the complaint that the Bill is autocratic and that it has deprived the local bodies of the power which they possessed. I may here cite one incident which happened in my district board. In my district board, on the recommendation of the District Board Engineer, the District Board President issued a licence that a particular road was fit for bus traffic and all the culverts and other things were quite all right in that road. The District Board

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President said that there was absolutely nothing wrong about the road. But when the matter went to the District Superintendent of Police, he said he could not issue the 'G' permit. So what is the power that the district board or the municipality has? Absolutely nothing. This Bill only seeks to have a unified control in one body. So the complaint that this Bill seeks to deprive local bodies of the power which they had is absolutely baseless, because they have no power."

* THE HON. MR. K. RAMAN MENON:—"Sir, I may be permitted to express my surprise at the way in which this Bill has been understood by my hon. Friend, Mr. Quraishi. If only a cursory glance is made through this Bill, it will be clear to anybody that there is practically nothing new in this Bill. Clause 1 is short title, extent and commencement. Clause 2 is definition clause and from clause 3 onwards to clause 12 it is an adaptation of the various existing legislative enactments. There is nothing new in this Bill which would in any way be instrumental in bringing about international cataclysm. So far as this Bill is concerned, if there is any power, if there is any discrimination between bullock-carts and motor-buses, that power the Government had got by virtue of an enactment known as the Motor Vehicles Taxation Act passed at the time of the previous Government. It is by a previous enactment that bullock and such other vehicles have been removed from the purview of the Tolls Act. So far as we are concerned, there is absolutely no discrimination made between motor vehicles, whether they are made in India or in America. The discrimination between bullock-carts and motor vehicles is already there by virtue of a legislation to which I have already referred. I suppose the hon. Member would not have had this misapprehension if he had read the Statement of Objects and Reasons. If he reads it, it will be found that we have only taken certain powers which already existed in the Local Boards Act, the District Municipalities Act and the City Municipal Act. These three bodies have got certain powers to make by-laws controlling traffic in thoroughfares and public roads.

"That power is now sought to be taken by the Government, and the 3
Government by this Bill intend to make rules themselves for such purposes. Even now, the by-laws that are made by the local bodies have to get the approval of the Local Government. The Government by this Bill intend simply to avoid the necessity of the local bodies themselves making the by-laws and sending them up to Government for approval; they say that they will themselves make the by-laws. Clauses 5, 6 and 7 relate to that. Clause 8 of the Bill is only an amendment to the Indian Motor Vehicles Taxation Act of 1914. By virtue of that Act the Local Government have the power to control mechanically propelled vehicles, and under that Act all the local Governments have power to make rules. By clause 8 of this Bill, the Government seek to make more rules, in addition to those already made by them, with a view to make motor traffic control more effective. So far as clause 9 is concerned, it is only an amendment of the Madras Motor Vehicles

Taxation Act, an Act of our own Legislature, passed in the year 1931. It only amplifies the provisions of that 1931 Act and lays down how the amount that we get by way of taxation of motor vehicles should be distributed among the various local bodies. There is no new power taken by this Government under this clause. Coming to clause 10 of the Bill, it simply says that all the existing rules shall remain; there is nothing newly introduced in this clause. Clause 11 repeals the Madras Government Roads Traffic Control Act of 1931 and does nothing more; it does not take away any power which is now exercised by any local body. Clause 12 is the usual clause contained in almost every Bill, whereby the Government takes power to remove any difficulties that may arise in the actual working of the Act.

"As for the assurance which the hon. the Leader of the Opposition was asking for from me, I do not propose to give any assurance of the type he suggested or the motor vehicles owners may desire me to give; but I can say this, that it is not the intention of the Government, by this measure, to tax motor vehicles more than what they are already paying. There are certain cases where a motor vehicle which is now escaping the payment of a legitimate tax may be asked to pay; for instance, in regard to motor lorries, some of them pay only Rs. 5 per year to local bodies and escape any further tax, while lorries which are plying for hire have to pay nearly Rs. 150 every year. That distinction is sought to be removed by this Act. Vehicles that use the road have to pay and that is the policy on which the present Bill is based. Again, Sir, there are buses and lorries which are not paying to the local bodies as much as they have to pay; we are, by this Bill, trying to make taxation uniform, and in doing so, we hope we will be able to make some attempt in the way of reducing taxation in the case of the highly-taxed vehicles. There is thus a possibility of certain classes of vehicles which are now escaping payment of legitimate taxes having to pay and of those which are paying a little less than they ought to, having to pay more; but anyway, the Government have no idea of increasing the taxation so as to reach the maximum limits prescribed in the schedule.

"So far as the question of ousting the jurisdiction of civil courts is concerned, such a provision as is contained in the Bill is absolutely necessary if we are to carry out the idea underlying the main provisions here; otherwise, it may not be possible to work the Act. It is only to that extent that power is sought to be taken away. At the same time, there is a provision whereby any order of District Traffic Board can be appealed against. There is no need, therefore, in addition to these executive appellate authorities, to vest powers in civil courts. Matters cannot be allowed to be hanging fire for any considerable time thus making traffic control impossible.

"As regards rates, I should like to bring to the notice of hon. Members the fact that the Motor Vehicles Taxation Act was passed in

the year 1931, and it was expected that the amount which the Government would get as a result of the Act would be sufficient to make good the amount that the local bodies were expected to lose as a result of the removal of the toll system. But it has been found, in the course of the working of that Act, that although nearly all that is collected is given to local bodies every year, the amounts given are not as much as those they were getting at the time the tolls were abolished. There is nearly 2 crores deficit under this head. The position therefore to-day is that local bodies are being starved and they have very little money to spare to keep the roads in proper repair. I may say that any amounts that we get as a result of this Bill will be given to the local bodies after, deducting the amount of expenses incurred by the Government in connexion with the collection of the taxes and the working of the Act. So, if more money is to be got from this source, it will automatically go back to the local bodies and they will be in a better position to maintain the roads in proper condition.

"With reference to the question of concentration of powers, my friend Mr. Saldanha was apprehensive of the Government concentrating all powers in themselves. As I stated already, the local bodies have already got the power to make by-laws, but only subject to the approval of the Government; we now say that such by-laws need not hereafter be made by them, but that the Government will make them straightaway. There is no more concentration of powers in the Government than this, and there is no attempt made by the Government in that direction, either in respect of concentration of power in themselves or in the Congress Ministry, as was suggested. These powers are intended not only for the Congress Ministry but for all Ministries that may come hereafter."

The motion was put and carried and the Bill was taken into consideration.

Mr. PRESIDENT:—"The House will now proceed to consider the different clauses of the Bill."

Clauses 2 and 3 were put and carried.

Clause 4.

* Rao Bahadur M. RAMAKRISHNA REDDI:—"Mr. President, with your kind permission, I beg to move the amendment standing in my name:—

> '*that in sub-clause (b) of clause 4, after the words "from an officer" the words "of not less than the gazetted rank" be added.*'

"Mr. President, almost all hon. Members of this House are aware how the Police generally exercise power and authority over buses and lorries in the various districts. I can say, Mr. President, that a Police

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constable is more powerful even than the President of the particular district board. Passengers, irrespective of their status and dignity, have to go in the buses to the house of the Sub-Inspector of Police or of the Inspector or of the head constable, as the case may be, and in some cases, those houses may be in a corner of a town. Not only have they to go to their houses, but they have to stop there till a particular passenger who may be a relation or frieud of the Suh-Inspector or of the head constable makes himself ready to get into the bus. Such are the inconveniences that are felt in the mufassal, because the Police are given powers of administration in regard to these buses. What I want to impress on this House is—it is not by way of complaint against the Police to the Government that I am saying it—that, because we have given powers to these Police people who are not above want, who in the natural course of events, owing to their low salary are inclined to misuse their powers, these troubles arise. They naturally go out of the way and extract some obligations from the bus or lorry owners as the case may be. My request is that such powers must be given to people who are above want. For instance, in sub-clause (*b*) of clause 4 of the Bill, it is stated:

'With fine which may extend to ten rupees for every day during which the breach continues after receipt of notice from an officer, empowered in that behalf by the Provincial Government to discontinue such breach.'

" The Government may appoint sub-inspectors or inspectors, under this provision, to issue such notices. As I said, these officers are not above want, and the result will therefore be that they will ask the bus-owner to render them some service. If for any reason the bus-owner refuses to comply with such requests, the officer concerned will naturally issue the notice to the bus-man and say that he has gone out of the way aud therefore he will be prosecuted, etc. My submission, therefore, is that, whoever be the officer that issues the notice, whether it be the sub-inspector or the traffic inspector, it may be sent to a gazetted officer such as the Sub-Collector or the Deputy Superintendent of Police, for his previous sanction. I remember the days when taluk boards were in existence, when the health inspectors were asked to launch prosecutions against parents whose children refused to go to the health inspector to get themselves vaccinated. There was a provision made in the Act later on to the effect that the president should give his previous consent before prosecutions were launched. It is not as if the health inspector was suspected in such cases, but it was thought that there must be some interval allowed. In some cases, the health inspector, when he went to a village, got irritated if he was told by the parents that their children were suffering from fever and therefore they wanted some time to be given, and immediately wrote to the Taluk Board President saying that such parents might be prosecuted. That is why, in order to allow some interval, the Government said that the previous consent of the President should be obtained, so that the health inspector might go to

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the village once again and get the children vaccinated. If you give this power to the traffic inspector or the sub-inspector, he will be hard on the bus-man and say at every step that he will prosecute the man. On the other hand, if you give the power and the authority to a gazetted officer, you will be placing a check over the police officer. There will also be some time allowed to lapse, within which, the officer, if he has a moral conscience, would think over the matter. I therefore submit, Sir, that this power should be given to an officer who is above want. Let him report to a gazetted officer and let him take his previous sanction before any notice is to be sent. That is all that I want to say in moving this amendment."

DIWAN BAHADUR R. SRINIVASAN :—" I second the amendment."

* THE HON. MR. K. RAMAN MENON :—" Sir, I oppose the amendment. I am not satisfied that the reasons given by my hon. Friend are a sufficient justification for an amendment of this kind. He appears to think that if police officers below the rank of a gazetted officer are empowered to send notices, they may misuse that power. If that is the apprehension, I submit that this amendment is not likely to take away that danger. Because, there is always power in the hands of the police to prosecute a person who goes against the law, and that power is not conferred on them by this sub-clause (*b*) of clause 4. By this sub-clause (*b*), only in cases where immediate action is necessary, a small power is vested in such officer as the Government will nominate hereafter, for the purpose of stopping a particular act that is being continued by a person, so that there might not be any danger to traffic. That is the only power that is sought to be conferred on officers to be appointed by the Government; and by this amendment we will be placing obstacles in the way of preventing an injury being continued by any person. The police, as I said, have already got power to take action whenever there is any breach of the law and that power is not sought to be restricted by the amendment. I submit, Sir, that if this amendment is accepted, it will stultify the powers that the Government want to take in the matter of traffic control, and it will not after all serve the purpose for which it is intended by the mover.

" Again, Sir, I am not in a position to say now which particular officers will be empowered in this respect; but I may assure the hon. Member that the Government are conscious of the fact that such powers should not be entrusted to persons who are likely to misuse them. They will be put in the hands only of people in whom the Government have confidence. I therefore oppose this amendment."

The amendment was put and lost.

Clause 4 was then put and carried.

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Clause 5.

m. * RAO BAHADUR M. RAMAKRISHNA REDDI:—"Sir, I beg to move—

'*that for the words proposed to be added in sub-clause (ii) of clause 5 the following words be substituted*:—

"*but not including the regulation of motor traffic therein, the reservation thereof for motor traffic, or the closing thereof or parts thereof to motor traffic*".'

"Mr. President, let me say at the outset that I am in entire agreement with the main principles of this Bill. This Bill aims at depriving the city municipality, the mufassal municipalities and local bodies of their power to frame by-laws relating to the use of public streets and roads in their respective jurisdiction and also control traffic in the roads and streets. In my humble opinion, Mr. President, I feel the Provincial Government is justified in taking away the powers that relate to the motor-buses and lorries, for it is quite possible for them to have a uniform policy, rules and regulations throughout the Presidency to control the motor traffic. But I feel honestly that it will be difficult for them to have uniform laws with regard to vehicles other than motor vehicles. The conditions and circumstances vary from one taluk to another, and so we must empower persons, who happen to know the difficulties of each district in a particular direction, to frame rules under this Act.

"Mr. President, in my district, the main agricultural produce is sugarcane. As a matter of fact, every year the ryot has to go and get bamboos from the reserved forests to strengthen the sugarcane. As a matter of fact, there are certain districts which entirely depend upon agriculture, some upon trade and some upon industry. Having regard to the particular local conditions, we have to make rules with reference to bullock-carts and other conveyances. The contemplated Transport Board will not be in a position to understand the local situation rightly and pass their laws in the interests of the agriculturists at large. As a matter of fact, the other day the District Superintendent of Police of Chittoor was pleased to ask the district board whether he would be willing to accept his rules to the effect that the cultivator should not carry bamboos in the ordinary bullock-carts, that the cultivator should construct a new bandy with four wheels and that he should carry bamboos in such four-wheeled bandies only. What will be the result of such a regulation, I ask? The poor ryot will be driven to the necessity of making a cart with four wheels. This will mean that he has to contract more debts, in addition to the existing ones. Moreover, the ordinary bullocks which he is having, will not be able to draw the heavy cart with four wheels. For that purpose, he has to go in for a pair of new bullocks strong enough to draw the new heavy cart. Is it not adding fuel to the fire? Imagine

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for a moment how the poor ryot is driven to the necessity of purchasing new bullocks and constructing a new cart, all for the sake of getting bamboos from the reserved forests, perhaps, once or twice a year. Fortunately the District Board of Chittoor protested unanimously against this rule and said, 'we will not be a party to this unpleasant, unreasonable legislation.' When you take the power into your hands it is highly doubtful whether you know the real difficulties of the ryots. If the Government will assure me that they are not going to interfere with bullock-carts, I shall be prepared to withdraw my amendment, because I am in entire agreement with the agreed principles of this Bill. My only suggestion is that the bullock-carts that ply on the roads should be allowed to carry bamboos to the sugarcane gardens in the ordinary carts."

* MR. PRESIDENT:—"Is the hon. Member going to withdraw his amendment?"

RAO BAHADUR M. RAMAKRISHNA REDDI:—"I should like to have an assurance from the Hon. the Minister for Courts and Prisons."

* MR. PRESIDENT:—"Then somebody must second the amendment."

KHAN BAHADUR SIR MAHOMED USMAN SAHIB BAHADUR:—"I second it."

* THE HON. MR. K. RAMAN MENON:—"I oppose the amendment for more reasons than one. In the first instance, the purpose which the hon. the Mover of the amendment has in view will not be served by accepting this amendment. Sub-clause (i) of clause 5 deals with the powers of the municipality in the matter of making by-laws so far as it relates to the use of public streets and other places. Under sub-clauses (b) and (c) referred to in clauses 5 and 6, the Madras City Municipality and the district municipalities have got the power of making by-laws to control traffic. These sub-clauses are now proposed to be omitted. Sub-clause (ii) of clause 5 relates to the powers of these local bodies in the matter of the regulation of the use of parks, gardens and other public or municipal places. In view of the provisions in sub-clause (i) of clause 5 and sub-clause (ii) of clause 6 and also in view of the provisions in clause 8, the purpose intended by the hon. the Mover, namely, that Government should not take power in the matter of traffic control in so far as they relate to bullock-carts and that the power must continue to be vested in the local bodies and municipalities, will not be served. That is one aspect of the matter.

"There is another aspect to which I would like to refer. The power to control traffic is even to-day vested in the hands of the police. By virtue of that power the police have a right to control the whole traffic and it is necessary that they should have it. Therefore it is not a question of making a by-law only with regard to motor traffic and leaving the road freely open to other kinds of vehicular traffic. By

so doing, the danger to people and other inconveniences will not be in any way obviated. But at the same time I may assure my hon. friend that it is not the intention of the Government to stop or to stultify these bullock-carts' traffic. The Government are not in any way intending to make rules so as to drive away these bullock-carts out of the roads. Besides that, there is the District Transport Board and then the appellate authority, the Central Board, and finally there is the Government. The Government will be guided by the advice of the District Transport Board, which, it is proposed, will consist of the Superintendent of Police, the District Collector, the President of the District Board and also one non-official member. It is on the advice of such a body, a body that will keep in touch with the local conditions and the various classes of vehicles, that Government will be making rules and not arbitrarily on the advice of the Superintendent of Police or any other police official."

*MR. PRESIDENT:—"Is the hon. Member going to withdraw his amendment?"

RAO BAHADUR M. RAMAKRISHNA REDDI:—"I should like to know . . ."

*MR. PRESIDENT:—"No. You have no right to speak now. You may either press your amendment or withdraw it."

RAO BAHADUR M. RAMAKRISHNA REDDI:—"In view of what the Hon. the Minister for Courts and Prisons has stated, I withdraw my amendment."

The amendment was, by leave, withdrawn.

Clause 5 was put and carried.

Clauses 6 and 7 were put and carried.

Clause 8.

*RAO BAHADUR M. RAMAKRISHNA REDDI:—"I move, Sir—

'*that sub-clauses* (*b*) *and* (*c*) *of clause 8 be omitted.*'

"Mr. President, the reason why I tabled this amendment is that the Hon. the Minister for Courts and Prisons should take the House into confidence as to who will be the members that are going to constitute the district committees as well as the provincial committee. Sir, there must be, I am of opinion, some local people who can know the real difficulties of the people of the particular district. I do not know whether the Hon. Minister is going to appoint the same people, the District Superintendent of Police, the District Collector and the President of the District Board or bring in a new element. If he tells us who are the members that are going to form the committees I have no objection to withdraw my amendment."

KHAN BAHADUR SIR MAHOMED USMAN SAHIB BAHADUR:—"I second it."

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* THE HON. MR. K. RAMAN MENON:—" I oppose the amendment. In doing so, I may be permitted to say that I have already stated what the intention of the Government is in the matter of the constitution of these district traffic boards and central board. The district transport board will consist of the District Collector, the District Superintendent of Police, the President of the District Board and one non-official member. Any day a body like that can be depended upon to do justice as between man and man. Most of us know what the presidents of the district boards have been supposed to be doing in this respect and there have been complaints that people are not getting full justice in the matter of permits and so on. I hope that in view of this assurance that the board will consist of the District Collector, the District Superintendent of Police, the President of the District Board and one non-official member, the hon. Member will withdraw his amendment."

The amendment was, by leave, withdrawn.

MR. J. A. SALDANHA:—" Sir, I move—

' *that sub-clause (d) (i) of clause 8 be omitted.*'

" I do not find, Sir, in the Act relating to the motor vehicles, any provision whereby any question of dispute arising out of this matter is placed outside the jurisdiction of civil courts. I am at a loss to know why such a provision should be made in this Bill. There may be points of a civil nature in which Government should be under the control and supervision of courts.

" In such matters the party concerned must have a right to go 4
to the civil court. So I urge that this sub-clause should be omitted. P.
I submit that there is no justification for ousting the jurisdiction of the civil court. There is no provision of this sort in any of the Acts, in the Motor Vehicles Act, the District Municipalities Act or the Local Boards Act and I sumbit that there is no justification why this provision should be made here in this Act."

MR. D. MANJAYA HEGDE:—" I second it."

* THE HON. MR. K. RAMAN MENON:—" I oppose the amendment. The hon. Member is under a misapprehension that an extraordinary power is being vested in the hands of the district traffic boards or the central board. What they will have to decide is only as to whether a licence is to be granted to A, B or C on a particular route. I do not think that the hon. Member wants such a decision of the transport authority to be allowed to be contested in a court of law. I do not think that the hon. Member wants the parties to go to court and file a suit for establishing their right to get a licence for particular route. That is the main function of the board. It is a purely executive power. Under this Act the power of revision is vested in the local Government and as such there is no need to allow the parties to go to court to establish their rights. The powers are purely executive and the

power that the Government have taken into their hands is, I submit, sufficient to safeguard the interests of the citizens. On these grounds, Sir, I oppose the amendment."

The amendment was put and lost.

Clause 8 was put and carried.

Clause 9.

* RAO BAHADUR M. RAMAKRISHNA REDDI:—" Sir, I move—

'*In the proposed sub-section* (1) (*a*) *of sub-clause* (*iii*) *of clause* 9, omit *the sub-clauses* (*i*) *and* (*ii*) *and* substitute *the following as sub-clause* (*i*):—

" (*i*) *Firstly, there shall be credited to the Provincial Government for expenses of collection and administration of traffic control a sum not exceeding* 5 *per cent of the total collections* ".'

" We are aware of the fact that the district boards are not able to make both ends meet and they are sending only deficit budgets. I am afraid that under these two sub-clauses, the Government may even give less than what they have been giving in the past. My fear is that if the amount is reduced, the district boards will not be in a position to do anything practical for undertaking ameliorative measures in the interests of the citizens at large. So, I would like to see that a fixed percentage is fixed for purposes of meeting the expenses of collection beyond which they should not go and so I fix a percentage of 5, deducting which the Local Government will have to pay the amount collected as they used to do in the past. It may happen in the future, Mr. President, that the Government may be driven to the necessity of spending more than they do now on the establishment employed for the collection of the taxes and they may naturally say that the increase was due to the enhancement of the services owing to a stricter control of the agency of collection and check. So, I submit, Sir, that a fixed amount should be deducted from out of the motor-tax collections and the balance paid to the local bodies. I only want that a limit should be fixed. There is nothing dangerous in it. I, therefore, request that the Government will accept this suggestion so that the local bodies may have a due share of the amounts collected."

Khan Bahadur Sir Mahomed Usman Sahib Bahadur seconded the amendment.

* THE HON. MR. K. RAMAN MENON:—" Mr. President, the object of the amendment, I presume, is that the amounts specified in sub-clauses (i) and (ii), should once for all be fixed at 5 per cent of the collections. What is prescribed in these sub-clauses is that there shall be credited to the Government the expenses of the collection and also the cost incurred by the Government should be credited to Government in exercising their administrative functions with regard to the control of motor vehicles traffic in the province. It is not possible

to say with any amount of accuracy as to what exactly will be the percentage that the Government will find it necessary to have a proper control over motor transport in this province. I may be permitted to state that as days go by, newer and newer mechanisms are being invented and these may be made use of in the province for minimizing road accidents and for these they will have to incur expenditure. I can say that the money which will be spent by the Government in this behalf will be as low as possible and will be nothing more than what is absolutely necessary for the control of motor traffic in the Presidency. If it is fixed once for all and the Government is not to spend more than 5 per cent of the collections, and if in the discharge of their functions, Government in future find that they will have to incur a higher percentage of expenditure, they will have to meet it out of the general revenues of the province which, I submit, Government is not in a position to do. The expenses of collection and administrative charges, as I stated, will be restricted to what is absolutely necessary and the balance will be distributed among the district boards as they used to be in the past. Nothing more can be done by the Government and the Government cannot, I regret, undertake this business at a fixed remuneration."

The amendment was put and lost.

Clauses 9, 10 and 11 were put and carried.

Clause 12.

MR. J. A. SALDANHA:—" Mr. President, I move—

'Add *the following proviso to clause* 12:—

" *Provided that in case of doubt as to interpretation of any provision of this Act or of any civil claim of any person against a transport authority or by a transport authority against any person in matters arising out of the operation of this Act, the jurisdiction of a civil court will not be excluded* " '."

MR. K. MADHAVA MENON:—" On a point of order, Sir, is the hon. Member in order in moving this amendment when the principle involved in it has been already voted upon, on his amendment to clause 8."

* MR. PRESIDENT:—" The amendment which was already negatived by the House pertained to clause 8 of the Bill which deals with the rule-making powers of the Local Government in respect of the constitution and powers of the transport authorities. The clause under discussion refers to the powers of the Local Government, if any difficulty arises in giving effect to the provisions of this Act or of other Acts mentioned in the clause, to order or do certain things which appear to them to be necessary. The hon. Member is in order."

MR. J. A. SALDANHA:—"It is possible that the Government might interpret the Act in a manner which will be prejudicial to motor-owners or other users of the road. In such a case I think, the civil court ought to have the power of interpretation. Difficulties may arise in applying this Act and where they are of a civil nature, the civil courts ought to have the power to interpret it. There may be claims arising in connexion with the excessive power of the local authority and in such cases the authority of the civil court should not be ousted. As it is worded, it gives very extraordinary powers to the Local Government. The Act says, 'if any difficulty arises in giving effect to the provisions of this Act, the Provincial Government, as occasion may require, may by order, do anything which appears to them to be necessary for the purposes of removing the difficulty. My submission is that when the difficulty is of a civil nature, it must be settled by the civil courts. So, I beg to urge this amendment for the consideration of the House."

MR. D. MANJAYA HEGDE:—"I second the amendment."

MR. A. RANGASWAMI AYYANGAR:—"I may state as a civil lawyer pure and simple that the interpretation of civil courts which is sought to be provided by the amendment is a thing which will generally be liked by the lawyer population. But, Sir, if you want this to be settled by the civil courts, my opinion is that, this being a purely executive affair, your introducing the interpretation of the civil court at every stage will land the motor-owners in a quagmire. Whether right or wrong the interpretation adopted by the executive authority will be definite and if they are wrong, they will correct it immediately. The Government is not helpless in the matter; it has its law officers and there is no likelihood of its getting into error. By entrusting this thing to the civil courts, with a series of appeals from one court to another, you will be getting the correct and irrevocable interpretation only after years and after so much of expense. For all these reasons, Sir, I oppose the amendment."

* THE HON. MR. K. RAMAN MENON:—"As the amendment stands, Sir, I think it is understandable. Clause 12 provides that if in the matter of giving effect to the provisions of this Act, any difficulty is felt, the Government may by order do anything which appears to be necessary to remove that difficulty.

-30 m. "Sir, this clause does not in any way vest any extraordinary power in the Government; nor does it oust the jurisdiction of the civil court, if the civil court has jurisdiction in any matter. The powers of the civil courts in any matter concerning the application of this Act, have been taken away by virtue of clause 8. The amendment given notice of by my hon. Friend to sub-clause (*d*) (i) of clause 8 was moved and it was defeated; so, in view of the fact that that clause stands, the civil courts shall have no right to decide disputes between a private party and the Transport Boards in transport matters. I submit there is no

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need to make any amendment to this clause by way of the addition of a proviso and to vest the power in the civil courts. What the amendment says is that in the case of any claim of any person against a transport authority or by a transport authority against any person, the jurisdiction of the civil court should not be excluded. What is taken away from the jurisdiction of civil courts is what is provided for in clause 8. I submit, therefore, there is no need for this amendment, nor does it fit in with the clause."

The amendment was put and lost.

Clause 12 was put and carried.

Clause 1 was put and carried.

The preamble was put and carried.

THE HON. MR. K. RAMAN MENON:—" I now move—

'*that the Bill be passed into law*'."

The motion was put and carried and the Bill was passed into law.

The Council then adjourned to meet again on the 22nd March 1938 at 11 a.m.

APPENDIX I.

[Vide answer to starred question No. 56 asked by Mr. J. A. Saldanha at the meeting of the Legislative Council held on the 9th March 1938, page 431 supra.]

Statement showing the costs of litigation by way of court-fees in the Civil Courts in the towns of Guntur, Coimbatore, Mangalore and Calicut.

	1934.			1935.			1936.		
	RS.	A.	P.	RS.	A.	P.	RS.	A.	P.
Guntur.									
District Court	28,915	5	0	25,123	14	0	24,888	7	0
Sub-Court	58,785	10	0	54,313	4	0	56,541	2	0
District Munsif's Court	99,750	12	0	95,515	4	0	87,385	8	0
Coimbatore.									
District Court	19,938	12	0	21,868	6	0	18,948	0	0
Sub-Court	22,248	0	0	12,357	10	0	15,638	1	0
District Munsif's Court	36,227	9	0	31,986	13	0	31,275	2	0
Mangalore.									
District Court	21,817	15	0	21,235	10	0	23,378	8	0
Sub-Court	68,030	2	0	68,972	6	0	81,067	14	0
District Munsif's Court	46,109	7	0	42,225	6	0	49,104	1	0
Calicut.									
District Court	22,543	0	0	17,755	0	0	20,903	0	0
Sub-Court	57,567	0	0	50,874	0	0	47,112	0	0
District Munsif's Court	95,595	0	0	97,496	0	0	94,120	0	0

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APPENDIX II.

[Vide item III at page 475 supra.]

L.A. BILL No. 3 OF 1938.

(As passed by the Assembly.)

A Bill further to amend the Madras Motor Vehicles Taxation Act, 1931, *for a certain purpose.*

adras Act I of 1931. WHEREAS it is expedient further to amend the Madras Motor Vehicles Taxation Act, 1931, for the purpose hereinafter appearing: It is hereby enacted as follows:—

1. This Act may be called the Madras Motor Vehicles Taxation (Amendment) Act, 1938. Short t

2. In section 10 of the Madras Motor Vehicles Taxation Act, 1931, after sub-section (3), the following sub-section shall be added, namely:— Amend of sectic Madras III of 1 — adras Act I of 1931.

"(4) All sums payable to local bodies under this section shall be expenditure charged on the revenues of the Province."

APPENDIX III.

[Vide item IV at page 476 supra.]

L.A. BILL No. 4 OF 1938.

(As passed by the Legislative Assembly.)

A Bill to provide for the control of traffic in public places in the Province of Madras.

WHEREAS it is expedient to enable the Provincial Government to make provision for the control of traffic in public places in the Province of Madras, and for that purpose further to amend the Madras City Municipal Act, 1919, the Madras District Municipalities Act, 1920, the Madras Local Boards Act, 1920, the Indian Motor Vehicles Act, 1914, in its application to the Province of Madras, and the Madras Motor Vehicles Taxation Act, 1931; It is hereby enacted as follows:—

Madras Act IV of 1919. Madras Act V of 1920. Madras Act XIV of 1920. VIII of 1914. Madras Act III of 193

1. (1) This Act may be called the Madras Traffic Control Act, 1938.

(2) It extends to the whole of the Province of Madras

(3) This section shall come into force at once, and the rest of this Act shall come into force on such date as the Provincial Government may, by notification, appoint.

2. In this Act, 'public place' means a road, street, way or other place, whether a thoroughfare or not, to which the public are granted access or over which they have a right to pass and includes—

(*a*) in the City of Madras, a public street as defined in clause (20) of section 3 of the Madras City Municipal Act, 1919; Madras Act IV of 1919.

(*b*) in a municipality governed by the Madras District Municipalities Act, 1920, a public street as defined in clause (21) of section 3 of that Act; and Madras Act V of 1920.

(*c*) in a local area governed by the Madras Local Boards Act, 1920, a public road as defined in clause (18) of section 3 of that Act. Madras XIV of 1920

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3. The Provincial Government may, after previous publication, make rules to provide— **Power of Provincial Government to make rules for the control of traffic.**

(*a*) for the regulation of the use of any public place and the closing thereof or parts thereof; and

(*b*) for the regulation of traffic in any public place or its reservation for particular kinds of traffic.

4. In making any rule under section 3, the Provincial Government may provide that a breach thereof shall be punishable— **Penalty for breach of rules.**

(*a*) with fine which may extend to fifty rupees and, in case of a continuing breach, with fine which may extend to fifteen rupees for every day during which the breach continues after conviction for the first breach; or

(*b*) with fine which may extend to ten rupees for every day during which the breach continues after receipt of notice from an officer empowered in that behalf by the Provincial Government, to discontinue such breach.

5. In the Madras City Municipal Act, 1919— **Amendment of Madras Act IV of 1919.**

(i) *sub-clauses (b) and (c) of clause (8) of section* 349 shall be omitted and sub-clause (*d*) of that clause shall be relettered as sub-clause (*b*); and

(ii) in clause (9) of the same section, after the words " *public or municipal places* ", the following words shall be added, namely:—

" but not including the regulation of traffic therein, the reservation thereof for particular kinds of traffic, or the closing thereof or parts thereof to traffic."

6. In the Madras District Municipalities Act, 1920— **Amendment of Madras Act V of 1920.**

(i) section 174-A shall be omitted;

(ii) in section 306, sub-clauses (*b*) and (*c*) of clause (8) shall be omitted and sub-clause (*d*) of that clause shall be relettered as sub-clause (*b*);

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(iii) in the same section, in clause (9), after the words " public or municipal places " the following words shall be added, namely:—

" but not including the regulation of traffic therein, the reservation thereof for particular kinds of traffic, or the closing thereof or parts thereof to traffic."; and

(iv) in Schedules VII and VIII, the entries relating to section 174-A shall be omitted.

Amendment of Madras Act XIV of 1920.

7. In the Madras Local Boards Act, 1920—

(i) section 166 shall be omitted;

(ii) in section 202, sub-clauses (*a*) and (*b*) of clause (5) shall be omitted and sub-clause (*c*) of that clause shall be renumbered as clause (5);

(iii) in the same section, in clause (6), after the words " places vested in a local board ", the following words shall be added, namely:—

" but not including the regulation of traffic therein, the reservation thereof for particular kinds of traffic, or the closing thereof or parts thereof to traffic."; and

(iv) in Schedules VIII and IX, the entries relating to section 166 shall be omitted.

Amendment of Act VIII of 1914 in its application to the Province.

8. The Indian Motor Vehicles Act, 1914, shall, in its application to the Province of Madras, be construed as if the rule-making power conferred by section 11 of that Act extended to the following matters, namely:—

" (*a*) The prescription of the conditions subject to which, and the fees (if any) on payment of which, motor vehicles or any class of such vehicles may be used in public places, generally or in any particular public place.

(*b*) The constitution for each district of a transport authority and the prescription of its powers and functions including, in particular, its powers and functions in regard to—

(i) the issue or the authorization of the issue of prescribed permits in respect of motor

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vehicles or any specified class of motor vehicles, for their use in all, or any, public places in the district;

(ii) the determination of the areas in the district on the routes or public places situated in which, or of the routes or public places in the district on which, motor vehicles or any specified class of motor vehicles may be used; and

(iii) the restriction of the number of motor vehicles or of any specified class of motor vehicles to which permits may be issued in respect of such areas, routes or public places.

(*c*) The constitution of a central transport authority for the Province and the prescription of its powers and functions including, in particular—

(i) its powers and functions in regard to motor traffic extending over the jurisdiction of two or more of the transport authorities referred to in clause (*b*), and the exercise of the powers and functions of, and the control to be exercised over, such authorities in respect of such traffic; and

(ii) its appellate jurisdiction in respect of orders passed by the transport authorities referred to in clause (*b*).

(*d*) The powers of the Provincial Government to control the central transport authority referred to in clause (*c*) and the prescription that the decisions and orders of such authority—

(i) shall not be liable to be questioned in any Civil Court by suit or otherwise; and

(ii) shall be final except in so far as they may be set aside or revised by the Provincial Government.

(*e*) The powers of the Provincial Government to control the transport authorities referred to in clause (*b*) and the prescription that the

decisions and orders of such authorities shall not be liable to be questioned in any Civil Court by suit or otherwise.

(*f*) The prescription of a limit of speed in respect of motor vehicles or any specified class of motor vehicles, generally or in any particular public place.

(*g*) The empowering of any authority to limit by general or special order the speed at which motor vehicles or any specified class of motor vehicles may be driven, generally or in any particular public place."

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9. In the Madras Motor Vehicles Taxation Act, 1931—

(i) In section 2, the following shall be added at the end of clause (iii), namely:—

" and 'motor lorry' includes a goods vehicle, that is to say, a motor vehicle constructed or adapted for use for the carriage of goods or a motor vehicle not so constructed or adapted which is habitually used for the carriage of goods and not of passengers.

Explanation.—The expression 'goods' includes merchandise, wares, burden of any description and movable property other than personal luggage."

(ii) in the same section, clause (viii) shall be renumbered as clause (viii-*b*) and the following shall be inserted as clause (viii-*a*), namely:—

" (viii-*a*) 'laden weight' in relation to a motor vehicle means, in case a permit is issued to the vehicle in pursuance of the rules made by the Provincial Government under the Indian Motor Vehicles Act, 1914, the maximum laden weight specified in such permit, if no such permit is issued, the maximum laden weight specified in the registration certificate of the vehicle, and if

: of 1914.

such weight is not specified in such certificate, the maximum laden weight of the vehicle determined in such manner as the licensing officer may deem fit.

' laden weight ' in relation to a trailer means, in case a permit is issued to the vehicle to which the trailer is attached in pursuance of the rules made by the Provincial Government under the Indian Motor Vehicles Act, 1914, the maximum laden weight specified in such permit in respect of the trailer, if no such permit is issued, the maximum laden weight specified in respect of the trailer in the registration certificate of the vehicle to which the trailer is attached, and if such weight is not specified in such certificate, the maximum laden weight of the trailer determined in such manner as the licensing officer may deem fit.'';

(iii) for sub-section (1) of section 10, the following sub-section shall be substituted, namely :—

" (1) (*a*) From the proceeds of the tax collected under this Act every year, the following credits and payments shall be made in the order mentioned below:—

(i) *Firstly, there shall be credited to the* Provincial Government the expenses of collecting the tax.

(ii) *Secondly,* there shall be credited to the Provincial Government the cost incurred by them in exercising their administrative functions in regard to the control of motor vehicles in the Province.

(iii) *Thirdly,* there shall be credited to the Provincial Government a sum equivalent to the average annual income derived by them during the three years ending on the 31st day of March immediately preceding the commencement of the Madras Traffic Control Act,

1938, from additional fees levied under the Indian Motor Vehicles Act, 1914, on motor vehicles plying on Government roads in the Province. VIII of 1914.

(iv) *Fourthly*, there shall be paid to each district board and to each municipal council a sum equivalent to the average annual income derived by such board or council during the three years ending on the 31st day of March immediately preceding the commencement of the Madras Traffic Control Act, 1938, from fees on licences granted to motor vehicles under section 166 of the Madras Local Boards Act, 1920, or section 174-A of the Madras District Municipalities Act, 1920, as the case may be. Madras Act XIV of 1920 Madras Act V of 1920.

(v) *Fifthly*, there shall be paid to each local body which at the commencement of this Act was levying tolls or vehicle tax on motor vehicles or both, a sum equivalent to the average annual income derived by such local body during the three years ending on the 31st day of March 1931, from such tolls or vehicle tax on motor vehicles, or both, as the case may be, and there shall also be credited to the Provincial Government a sum equivalent to their average annual income during the said three years from all tolls levied by them in the Province.

(*b*) The Provincial Government shall determine the sums which should be credited to themselves or paid to local bodies under sub-clauses (i) to (v) of clause (*a*), and their determination shall be final.";

(iv) in sub-section (2) of the same section, for the expression " sub-section (1) ", the expression " sub-clause (v) of clause (*a*) of sub-section (1) " shall be substituted;

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(v) for sub-section (3) of the same section, the following sub-section shall be substituted, namely:—

"(3) If in any year the proceeds of the tax after deducting the sums referred to in sub-clauses (i) to (iv) of clause (*a*) of sub-section (1) fall short of the aggregate of the sums payable to local bodies under sub-clause (v) of the said clause (*a*) and the sum creditable to the Provincial Government under the same sub-clause, such proceeds shall be distributed among the local bodies and the Provincial Government proportionately to the sums determined under clause (*b*) of sub-section (1) as payable to each such local body and as creditable to the Provincial Government, under sub-clause (v) aforesaid, and the deficit shall be made good in the same proportion in the earliest subsequent year or years in which there may be a surplus.";

(vi) for items 3 and 4 of Schedule II, the following items shall be substituted, namely:—

Classes of vehicles.	Maximum quarterly tax — For vehicles fitted with pneumatic tyres.			Maximum quarterly tax — For other vehicles.		
	RS.	A.	P.	RS.	A.	P.
"3. Motor lorries—						
(*a*) Lorries not exceeding 20 cwt. in weight, laden	50	0	0	75	0	0
(*b*) Lorries exceeding 20 cwt. but not exceeding 30 cwt. in weight, laden	100	0	0	150	0	0
(*c*) Lorries exceeding 30 cwt. but not exceeding 45 cwt. in weight, laden	120	0	0	180	0	0
(*d*) Lorries exceeding 45 cwt. but not exceeding 60 cwt. in weight, laden	150	0	0	225	0	0
(*e*) Lorries exceeding 60 cwt. but not exceeding 85 cwt. in weight, laden	180	0	0	270	0	0
(*f*) Lorries exceeding 85 cwt. but not exceeding 110 cwt. in weight, laden	220	0	0	330	0	0
(*g*) Lorries exceeding 110 cwt. but not exceeding 150 cwt. in weight, laden	270	0	0	405	0	0
(*h*) Lorries exceeding 150 cwt. but not exceeding 180 cwt. in weight, laden	320	0	0	480	0	0
(*i*) Lorries exceeding 180 cwt. in weight, laden	350	0	0	525	0	0

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Classes of vehicles.	Maximum quarterly tax: For vehicles fitted with pneumatic tyres.			Maximum quarterly tax: For other vehicles.		
	RS.	A.	P.	RS.	A.	P.
(j) Additional tax payable in respect of lorries used for drawing trailers—						
(i) for each trailer not exceeding 20 cwt. in weight, laden	20	0	0	30	0	0
(ii) for each trailer exceeding 20 cwt. but not exceeding 60 cwt. in weight, laden ..	75	0	0	112	8	0
(iii) for each trailer exceeding 60 cwt. in weight, laden	150	0	0	225	0	0
Provided that two or more lorries shall not be chargeable under this clause in respect of the same trailer.						
4. Motor vehicles plying for hire and used for the transport of passengers—						
(a) Vehicles licensed under the rules made by the Provincial Government under the Indian Motor Vehicles Act, 1914, to carry in all not more than five persons	80	0	0	120	0	0
(b) Vehicles licensed under the rules made by the Provincial Government under the Indian Motor Vehicles Act, 1914, to carry more than five persons—for every person which the vehicle is so licensed to carry excluding the driver and the conductor	20	0	0	30	0	0";

(vii) for items 3 and 4 of Schedule III, the following items shall be substituted, namely:—

Classes of vehicles.	Maximum tax for vehicles fitted with pneumatic tyres: For a period not exceeding seven days.			Maximum tax for vehicles fitted with pneumatic tyres: For a period exceeding seven days but not exceeding thirty days.			Maximum tax for other vehicles: For a period not exceeding seven days.			Maximum tax for other vehicles: For a period exceeding seven days but not exceeding thirty days.		
(1)	(2)			(3)			(4)			(5)		
	RS.	A.	P.	RS.	A.	P.	RS.	A.	P.	RS.	A.	P.
" 3. Motor Lorries—												
(a) Lorries not exceeding 20 cwt. in weight, laden.	8	8	0	25	0	0	12	8	0	37	8	0
(b) Lorries exceeding 20 cwt. but not exceeding 30 cwt. in weight, laden.	16	12	0	50	0	0	25	0	0	75	0	0
(c) Lorries exceeding 30 cwt. but not exceeding 45 cwt. in weight, laden.	20	0	0	60	0	0	30	0	0	90	0	0
(d) Lorries exceeding 45 cwt. but not exceeding 60 cwt. in weight, laden.	25	0	0	75	0	0	37	8	0	112	8	0
(e) Lorries exceeding 60 cwt. but not exceeding 85 cwt. in weight, laden.	30	0	0	90	0	0	45	0	0	135	0	0
(f) Lorries exceeding 85 cwt. but not exceeding 110 cwt. in weight, laden.	36	12	0	110	0	0	55	0	0	165	0	0
(g) Lorries exceeding 110 cwt. but not exceeding 150 cwt. in weight, laden.	45	0	0	135	0	0	67	8	0	202	8	0
(h) Lorries exceeding 150 cwt. but not exceeding 180 cwt. in weight, laden.	53	8	0	160	0	0	80	0	0	240	0	0
(i) Lorries exceeding 180 cwt. in weight, laden.	58	8	0	175	0	0	87	8	0	262	8	0

Classes of vehicles.	Maximum tax for vehicles fitted with *pneumatic tyres*: For a period not exceeding seven days.	Maximum tax for vehicles fitted with *pneumatic tyres*: For a period exceeding seven days but not exceeding thirty days.	Maximum tax for other vehicles: For a period not exceeding seven days.	Maximum tax for other vehicles: For a period exceeding seven days but not exceeding thirty days.
(1)	(2)	(3)	(4)	(5)
	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.
(j) Additional tax payable in respect of lorries used for drawing trailers—				
(i) for each trailer not exceeding 20 cwt. in weight, laden.	3 8 0	10 0 0	5 0 0	15 0 0
(ii) for each trailer exceeding 20 cwt. but not exceeding 60 cwt. in weight, laden.	12 8 0	37 8 0	18 12 0	56 4 0
(iii) for each trailer exceeding 60 cwt. in weight, laden.	25 0 0	75 0 0	37 8 0	112 8 0
Provided that two or more lorries shall not be chargeable under this clause in respect of the same trailer.				
4. Motor vehicles plying for hire and used for the transport of passengers—				
(a) Vehicles licensed under the rules made under the Indian Motor Vehicles Act, 1914, to carry in all not more than four persons.	13 8 0	40 0 0	20 0 0	60 0 0
(b) Vehicles licensed under the rules made under the Indian Motor Vehicles Act, 1914, to carry more than four persons—for every person which the vehicle is so licensed to carry.	3 8 0	10 0 0	5 0 0	15 0 0"

; and

(viii) in item (ii) of sub-section (1) of section 11, after the words ' class of motor vehicles ', the words ' or motor vehicles running in any particular area ', shall be added.

Existing by-laws to continue.

10. Notwithstanding anything contained in this Act, all by-laws relating to any of the matters mentioned in section 3 of this Act which have been made under the Madras City Municipal Act, 1919, the Madras District Municipalities Act, 1920, or the Madras Local Boards Act, 1920, and are in force at the commencement of this Act shall continue to be valid, but any such by-law may be cancelled or altered by a rule made under section 3 aforesaid.

[Mad]ras Act [IV] of 1919. [Mad]ras Act [V] of 1920. [Mad]ras Act [XIV] of [1920].

Repeal of Madras Act V of 19[31].

11. The Madras Government Roads Traffic Control Act, 1931, is hereby repealed.

Power to remove difficulties.

12. If any difficulty arises in giving effect to the provisions of this Act or of the Madras City Municipal Act, 1919, the Madras District Municipalities Act, 1920, the Madras Local Boards Act, 1920, the Indian Motor Vehicles Act, 1914, or the Madras Motor Vehicles Taxation Act, 1931, as amended by this Act, the Provincial Government, as occasion may require, may, by order, do anything which appears to them to be necessary for the purpose of removing the difficulty.

THE MADRAS LEGISLATIVE COUNCIL.

Tuesday, the 22nd March 1938.

The Council met at three of the clock, in the Council Chamber, Fort St. George, Mr. President (THE HON. DR. U. RAMA RAO) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Status of Women and Children Hospital at Mangalore and limits of control of the District Medical Officer over the subordinate medical officers working in the hospital.

* 60 Q.—MR. J. A. SALDANHA: Will the Hon. the Minister for Public Health be pleased to state—

(a) what the status of the Women and Children Hospital at Mangalore is under the Civil Medical Code;

(b) what has been the relationship under the same Code or usage in regard to the administration, management, control and supervision, between the Lady Assistant Surgeon in charge of the hospital and the District Medical Officers since the hospital came into existence as a first class one among hospitals for women;

(c) whether the Government and the Surgeon-General are aware of any grievance on the score of undue interference on the part of the District Medical Officer with the Lady Assistant Surgeon's functions of administration during the last five years;

(d) (1) what the rules or usage is as to the functions and duties of the Honorary Physicians in the hospital and the powers of interference with their functions on the part of the District Medical Officer; and

(2) whether there have been representations before the Government and Surgeon-General on the score of the District Medical Officer's undue interference with their functions; and

(e) what action the Government have taken to redress the alleged grievances under clauses (c) and (d)?

THE HON. DR. T. S. S. RAJAN:—"(a) According to the classification of hospitals and dispensaries given in paragraph 412 of the Civil Medical Code, the Lady Goschen Hospital at Mangalore falls under Class, I, State Public.

"(b) Under paragraph 199 of the Civil Medical Code, the District Medical Officers have direct control of all Government medical institutions established at their headquarters. The hospital has

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accordingly been under the control of the District Medical Officer, South Kanara, since it came into existence.

"(c) When Mrs. Wright was the Woman Assistant Surgeon in the hospital, the relationship between her and the District Medical Officer was reported to be not cordial. The situation came to an end with the transfer of the Woman Assistant Surgeon from the hospital.

"(d) (1) Under the rules relating to the appointment of honorary medical officers the District Medical Officer who is also the Superintendent of the headquarters hospital should assign the duties to be performed by the honorary medical officer and exercise a general supervision over the work of the honorary men and submit a confidential report on the officer's work. The honorary medical officer should perform the duties assigned to him by the Superintendent of the hospital and bring to his notice all instances of neglect, inattention or breaches of discipline relating to his ward. Otherwise he is entirely responsible for the treatment and care of patients under his charge.

(2) There has been one such representation. The matter is under investigation.

"(e) The Government will issue the necessary instructions to the District Medical Officer if they are satisfied that there had been undue interference on the part of the District Medical Officer."

MR. J. A. SALDANHA :—" May I enquire, with reference to the last clause of the answer, whether the honorary physician and surgeon of the maternity hospital has resigned his appointment, and if so, on what grounds and what action has been taken by the Government thereon?"

THE HON. DR. T. S. S. RAJAN :—" The Government have received information that he has resigned. The whole question is under consideration."

Particulars regarding the administration and constitution of temples within the jurisdiction of Negapatam Circle Temple Committee.

* 61 *Q.*—RAO BAHADUR N. R. SAMIAPPA MUDALIYAR: Will the Hon. the Minister for Public Health be pleased to call for a statement from the Hindu Religious Endowments Board and from the Negapatam Circle Temple Committee showing the following particulars with regard to each of the temples whose annual income is Rs. 2,000 and more, situated within the jurisdiction of the Negapatam Circle Temple Committee and lay it on the table of the House:—

(1) name of the taluk;

(2) name of the temple and its annual income;

(3) name of the trustee or trustees who were in office from 1st July 1925 up to 1st July 1937;

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(4) if the temple is governed by a scheme or by notification proceedings the date from which the temple is brought under the scheme or notification proceedings; and

(5) whether the accounts have been audited and if so up to what date, during the period from 1st July 1925 up to 1st July 1937, and reason or reasons for not having audited either during the whole period or during any portion of this period?

THE HON. DR. T. S. S. RAJAN:—" A statement giving the required information is kept in the Legislative Council Library for reference."

RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—" May I know why, instead of printing and supplying copies to hon. Members, this procedure of keeping a copy in the Legislative Council Library has been adopted and the hon. Members have been asked to go and see it? "

THE HON. DR. T. S. S. RAJAN:—" I suppose it is a big thing. That is the only reason. I do not see any other reason for it."

RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—" May I request the Hon. Minister to communicate a copy to me so that I can send fresh questions based on that information for the next meeting? "

" THE HON. DR. T. S. S. RAJAN:—" Certainly. I shall see that a copy is sent to the hon. Member."

Scheme of the Government for developing various cottage and other industries.

* 62 *Q.*—MR. J. A. SALDANHA: Will the Hon. the Minister for Industries and Labour be pleased—

(*a*) to place before the House the plan for fostering the development of industries—

(i) cottage and

(ii) the large key industries already existing; or

(iii) nascent industries;

and to state—

(*b*) what legislative measures by way of amendment of the State Aid to Industries Act or by passing a special Bill Government contemplate for fostering such large industries;

(*c*) what control is contemplated to prevent unhealthy competition between any of the industries and by whom such control will be exercised; and

(*d*) what measures Government have decided to adopt on the several proposals submitted by the tile manufacturers of Mangalore during the Hon. the Minister's visit to the place in October last for the relief and aid of the tile industry?

THE HON. MR. V. V. GIRI:—" (a) The Government have not as yet prepared any definite plan for the development of industries. Proposals for the introduction and development of new cottage and small scale industries and the marketing of the products of the existing ones are under consideration. As regards large scale industries it is doubtful whether any plan is called for at present. Wherever scope exists for the establishment of a large scale industry the possibilities of its development will be brought to the notice of private enterprise. On the other hand state-aid is given in the case of Kollegal Filature, Limited, and the Government is contemplating to give state-aid to the industrialists, one in the east coast and the other in the south for the establishment of ceramic industry.

" (b) No legislative measure is under contemplation at present.

" (c) There is no proposal under consideration.

" (d) The Government have carefully examined the several proposals of the tile manufacturers of Mangalore. They considered that no action was necessary on them except in regard to the question of reduction of port dues and rent on river foreshores which are still under the consideration of the Government and the question of railway freight which has been referred to the South Indian Railway."

MR. J. A. SALDANHA:—" May I know what action the Government have taken for the establishment of a ceramic experimental station for the improvement of the industry? "

THE HON. MR. V. V. GIRI:—" The Government thought it advisable to encourage private agencies and so no other action was taken."

Damages caused by floods in South Arcot in November 1937.

* 63 Q.—MR. R. SRINIVASA AYYANGAR: Will the Hon. the Minister for Revenue be pleased to state—

(a) the extent of damages caused by the floods in November last in the district of South Arcot;

(b) the number of tanks breached talukwar;

(c) the amount spent in repairing the breaches so far; and

(d) the probable extent of remission of land revenue consequent on the effect of the floods?

THE HON. MR. T. PRAKASAM:—" (a) Sixteen human lives and 955 cattle were lost. Four thousand four hundred and eighty-five houses and huts were damaged. The crops of 5,660 acres were affected. An extent of 478 acres of land was silted up. The extent of damages caused to the roads is estimated at Rs. 75,500

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in the case of the Villupuram District Board, Rs. 80,115 in the case of the Cuddalore District Board and Rs. 9,950 in the case of the Chidambaram Municipal Council.

" (b) & (c) Four hundred and fifty-six tanks, four channels and one anicut in charge of the Revenue Department and 168 tanks. 48 channels and 21 anicuts in charge of the Public Works Department in the South Arcot district sustained damage owing to the rains in November 1937. Detailed information as to the nature and extent of the damage and of the sum already spent in each case is not available. The total approximate cost of repairing the works in charge of the Revenue Department has been reported to be Rs. 67,372. A sum of Rs. 58,000 has been allotted for *repairs to Minor Irrigation Works in charge of the Revenue* Department and a special staff consisting of six Minor Irrigation Overseers, one clerk-draughtsman and six lascars has been sanctioned for executing the repairs. An estimate of Rs. 55,379 has so far been sanctioned for repairs to works in charge of the Public Works Department. A special subdivision has been created for the purpose and it is expected that a sum of Rs. 45,000 will be spent during the current year.

" (d) No information is available."

Rural dispensary at Kilayur, Negapatam taluk, and the resolution of the East Tanjore District Board to convert it into an Ayurvedic or Siddha dispensary.

* 64 Q.—Rao Bahadur N. R. SAMIAPPA MUDALIYAR: Will the Hon. the Minister for Public Health be pleased to ascertain from the President, East Tanjore District Board, and state—

(a) when the rural dispensary at Kilayur, Negapatam taluk, was opened;

(b) from what date the present rural medical practitioner was employed in that dispensary;

(c) whether any complaint from the villagers regarding the professional work or treatment of the present rural medical practitioner has been received; if so, when and by whom and what are the charges;

(d) whether it is a fact that the District Board resolved to convert this dispensary to an Ayurvedic or Siddha dispensary from Allopathic dispensary; if so, on what date;

(e) how and by whom and on what date the question of conversion of this dispensary from Allopathic to Ayurvedic was started first;

(f) whether it is a fact that the District Medical Officer did not consent to the conversion;

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(*g*) whether it is a fact that the District Board resolved at the meeting held on 4th January 1938, to abolish this rural dispensary; if so, on what grounds; and

(*h*) when the present President of the District Board was elected as a member to the District Board?

THE HON. DR. T. S. S. RAJAN :—" (*a*) The dispensary was opened on 4th June 1925.

" (*b*) The medical officer was employed from 4th June 1925.

" (*c*) Petitions were received by the President, District Board, East Tanjore, on 17th July 1937, that the rural medical practitioner was not attending to his profession properly, that he is not to be found in the dispensary on major portion of the days and that he denies medical aid to Adi-Dravida patients. A mahazar was also received by the Government from the residents of the village in January, 1938, asking them to remove the dispensary from their village as the rural medical practitioner was never attending to them and as the dispensary was always closed.

" (*d*) The district board resolved to convert the rural dispensary into a rural ayurvedic dispensary from 1st January 1938.

" (*e*) the question was first raised by the Kilayur Panchayat Board which resolved on 9th April 1937 to request the East Tanjore District Board to open an ayurvedic or unani dispensary at Kilayur.

" (*f*) The District Medical Officer, Tanjore, did not agree to the notice of discharge given to the practitioner in charge of the Kilayur rural dispensary under clause 12 of the agreement executed by him, as none of the conditions specified therein seemed to exist.

" (*g*) The district board resolved to close the dispensary from 1st February 1938 as there is a rural dispensary at Tirupoondi within a distance of three miles from Kilayur.

" (*h*) He was elected as a member of the board at the election held on 8th January 1937."

RAO BAHADUR N. R. SAMIAPPA MUDALIYAR :—" Have the Government passed final orders on the resolution of the district board for abolishing the dispensary? "

THE HON. DR. T. S. S. RAJAN :—" Not yet. The matter is under the consideration of the Government."

DR. C. RAMALINGA REDDI :—" May I ask whether any enquiry was held into the complaints against the rural practitioner? "

THE HON. DR. T. S. S. RAJAN :—" Yes."

DR. C. RAMALINGA REDDI :—" Were the charges found to be true? "

THE. HON. DR. T. S. S. RAJAN :—" There has been correspondence between the District Medical Officer and the Government on this

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question and also a representation of the East Tanjore District Board. All these papers are under the consideration of the Government."

RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—" May I know by whom the enquiry was made? "

THE HON. DR. T. S. S. RAJAN:—" By the District Medical Officer."

DR. C. RAMALINGA REDDI:—" I wish to rise to what may be called a point of order with your permission, Sir. Is it open to hon. Members to request the Hon. Minister to ascertain information from one particular source? I take it that they have the right to interpellate Hon. Ministers; but is it open to them to choose what agencies they like in order to get the information desired by them? I submit it to your ruling, Sir. The question put was ' whether the Hon. Minister for Public Health will be pleased to ascertain from the President of the East Tanjore District Board.' I do not know of any precedent in which Ministers were asked to approach a particular individual for getting the information wanted by hon. Members."

RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—" May I explain why I put the question in that form, Sir? If I put a straight question to the Government, the Government may answer that they have no information and then I will have to put a supplementary question."

MR. PRESIDENT:—" Why does the hon. Member anticipate the answer of the Government? "

RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—" I am explaining, Sir, the reason why I put a question like that."

THE HON. DR. T. S. S. RAJAN:—" I do not know of any particular rule which says that any particular procedure ought not to be adopted. Every hon. Member of the House can indicate in his own way how the Government may get the information. But it is for the Government to accept the advice or reject it. I do not think there is necessarily anything irrelevant in regard to that."

DR. C. RAMALINGA REDDI:—" I do not think my Hon. Friend has caught my point. It is perfectly open to hon. Members to suggest privately to the Ministers the agencies which would be helpful in obtaining the information. But the question is whether they can put it as part of an interpellation thus: ' Will you please find out from so and so what the facts are? ' On that, Sir, it would be open to me to ask whether the Hon. Minister for Public Health ascertained the facts from the President of the East Tanjore District Board or whether he consulted any other? I do not know whether questions like that will add to the dignity of our proceedings."

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THE HON. DR. T. S. S. RAJAN:—"It is certainly open to the hon. Member to ask the questions in the manner he has done, and it is also open to the Government to give a suitable answer to the question."

MR. PRESIDENT:—"A point of order does not seem to arise out of this. It is open to the Member to suggest a specific line of action with regard to the enquiry, and it is open to the Government to accept it or not. I do not really see any point of order in it."

Stamp duty insisted upon from ryots presenting petitions.

*65 *Q*.—RAO BAHADUR M. RAMAKRISHNA REDDI: Will the Hon. the Minister for Courts and Prisons be pleased to state—

(*a*) whether the District Collectors insist on stamp duty whenever ryots want to present petitions relating to certain administrative matters, and if so, the object and necessity for the collection of such duty fees from ryots; and

(*b*) whether there has been any representation to the Government from the ryots regarding the hardship that it entails, and if so, the action taken thereon?

THE HON. MR. K. RAMAN MENON:—"(*a*) The Government have no reason to suppose that the rules regulating the levy of court-fees on petitions are not being observed by Collectors of districts.

"(*b*) Representations have been received urging reduction or re-adjustment of court-fees and these will be considered along with the general question of revision of the Court Fees Act."

RAO BAHADUR M. RAMAKRISHNA REDDI:—"May I know whether the Government are aware of the fact that the ryots have to pay 12 annas if they want to approach the Government or the Collector for transfer of their lands from one class to another?"

THE HON. MR. K. RAMAN MENON:—"The rules as they stand are to that effect."

RAO BAHADUR M. RAMAKRISHNA REDDI:—"May I know whether the Government propose to revise the Board's Standing Orders with regard to this subject?"

THE HON. MR. K. RAMAN MENON:—"I am sorry I am not able to say anything as regards the revision of the Board's Standing Orders, because it is not in my portfolio, but I shall carry this information to my Hon. Friend the Revenue Minister."

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Statements showing villages where experimental measures for rural uplift were tried.

* 66 *Q.*—MR. J. A. SALDANHA: Will the Hon. the Minister for Agriculture and Rural Development be pleased to place before the House a statement showing the villages in which experimental measures for rural uplift have been tried under several departments of Health, Sanitary, Agricultural, Veterinary, Industries, etc., as a whole, and with what co-operation from local bodies and voluntary associations and what steps are going to be taken for such purpose in future?

THE HON. MR. V. I. MUNISWAMI PILLAI:—" The following villages have been selected for intensive work in South Kanara district:—

Coondapoor taluk	Basrur group. Shankernaraina group consisting of Ulloor, Kulanji, Machattu and Haladi villages.
Udipi taluk	Shiriyar and Palimar villages.
Karkal taluk	Hebri village.
Mangalore taluk	Bajpe and Shedde villages. Kotekar village.
Puttur taluk	Sullia and Mundaje villages.
Kasaragod taluk	Chervathur and surrounding villages up to Payyannur (including Tricarpur, Pilicode and Padne). Adur centre—Adur and other villages.

Voluntary associations in the district do not appear to have offered any help. The help of the District Health Officer and District Board Engineer was of course always at the disposal of the Collector. As for the future, it is open to the Collector to consult the District Conference that has taken the place of the District Economic Council."

MR. P. PEDDI RAJU:—" May I know the reason why the thing was confined to South Kanara alone, and will the Hon. Minister be pleased to state why he has not collected the information about the other districts also as desired in the question? "

MR. J. A. SALDANHA:—" As I thought it was very difficult and almost impossible to get information for the whole Presidency, I suggested to the Secretary to the Department that he might confine himself for the present to South Kanara alone."

THE HON. MR. V. I. MUNISWAMI PILLAI:—" The hon. Member desired information only about South Kanara and so the Government supplied it."

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Repairs to supply feeder channels in Hindupur and Madakasira taluks in Anantapur district.

* 67 *Q.*—MR. M. NARAYANA RAO: Will the Hon. the Minister for Public Works be pleased to state—

(*a*) whether any representations have been received from the ryots of the Hindupur and the Madakasira taluks of the Anantapur district to undertake the repairs of the supply feeder channels flowing into the tanks in the said taluks; and

(*b*) if so, whether the Government propose to undertake any such scheme?

THE HON. MR. YAKUB HASAN:—"(*a*) The answer is in the affirmative.

"(*b*) The representations have been forwarded to the local officers and the matter will be considered on receipt of the reports from local officers."

Famine relief centres in the districts of Anantapur and Bellary.

* 68 *Q.*—MR. M. NARAYANA RAO: Will the Hon. the Minister for Revenue be pleased to state—

(*a*) how many test and relief centres are opened in the districts of Anantapur and Bellary and at what places since the commencement of famine;

(*b*) what the nature of works turned out is at the centres; and

(*c*) what the average number of coolies is that attend at those centres since the commencement of the works?

THE HON. MR. T. PRAKASAM:—"(*a*) & (*c*) The following statement gives the particulars available regarding the test and relief works which were open in the Bellary and Anantapur districts on the 19th February 1938, and the average number of workers employed on each work during the week ending 19th February 1938. The exact points on these works on which work is now going on are not known.

Name of work.	Class of work.		Average number of workers during the week ending 19th February 1938.
	Test.	Relief.	
Bellary district.			
Bellary taluk—			
(1) Moka-Gulyam road	..	Relief	1,698
(2) Kumugodu-Yemmiganur road ..	..	Do.	1,960
Alur taluk—			
(3) Hebbatam-Holagondi road	..	Do.	3,289
(4) Arikeri-Virupapuram road	..	Do.	1,999
(5) Alur-Nagaladinne road	..	Do.	2,807
Siruguppa taluk—			
(6) Karur-Sirigeri road	Test	..	1,890
Yemmiganur sub-taluk—			
(7) Nandavaram-Nagaladinne road ..	..	Relief	4,694
Adoni taluk—			
(8) Adoni-Aspari road	Test	..	1,081

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Name of work.	Class of work. Test.	Relief.	Average number of workers during the week ending 19th February 1938.
Anantapur District.			
Gooty taluk—			
(1) Gooty-Maddikera road via Lacha-swamipalli	..	Relief	1,664
(2) Cuddapah-Bellary road	..	Do.	1,554

" (*b*) All the works relate to the construction of roads."

MR. M. NARAYANA RAO:—" Is the Hon. Minister aware of the act that the coolies are engaged only in metal-breaking work? "

THE HON. MR. T. PRAKASAM:—" Yes, it is only metal-breaking work."

MR. M. NARAYANA RAO:—" Is the Government aware that the reaking of the metal is not welcomed both by the labourers and the istrict boards as there is enough of broken metal already stored and ;athered during the famine of 1934 and 1935, and will the Government e pleased to consider the advisability of substituting some other form f labour more suited to the conditions of the districts of Bellary and Anantapur? "

THE HON. MR. T. PRAKASAM:—" Yes, I am aware of it. The Government are attempting to start some other irrigation channel repair work in Pennar in the Anantapur district. Government are also arranging to employ people on spinning and weaving by handloom in Bellary and also in the Gooty taluk."

Deadlock in North Nellore District Board due to frequent adjournments of meetings.

* 69 *Q.*—MR. M. NARAYANA RAO for Mr. L. Subbarama Reddi: Will the Hon. the Minister for Local Administration be pleased to state—

(*a*) whether it is a fact that the North Nellore District Board adjourned their meetings thrice without transacting any business, and if so, for what reasons; and

(*b*) what action the Government propose to put an end to this deadlock?

THE HON. MR. K. RAMAN MENON on behalf of the Hon. Mr. B. Gopala Reddi:—" (*a*) The answer is in the affirmative; the Government are not aware of the reasons, but are making enquiries.

" (*b*) The question is under consideration."

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UNSTARRED QUESTIONS

Town-planning schemes for municipal towns excepting Madras.

33 *Q.*—MR. J. A. SALDANHA: Will the Hon. the Minister for Public Health be pleased to place before the House a statement of municipal towns (outside Madras) with a population of 50,000 and more showing the number of town-planning schemes in the case of each sanctioned, but not brought into operation, sanctioned and carried out, sanctioned and partly carried out, the loans, if any, borrowed for their execution, the amount spent, the amount recovered or likely to be recovered by exacting betterment contribution, the cases in which an arbitrator has been appointed under section 27 of the Town-Planning Act; and to state whether the town-planning schemes have been a financial success?

A.—A statement [a] is laid on the table of the Council. The Government are not now in a position to state definitely whether the Town-Planning Scheme has been a financial success or not.

Vitamin contained in fresh sweet and fermented toddy.

34 *Q.*—MR. J. A. SALDANHA: Will the Hon. the Minister for Public Health be pleased to place before the House a statement showing the vitamin contained respectively in fresh fermented toddy and in sweet toddy as defined in the Prohibition Act and in coffee and tea?

A.—Definite data are not available at present regarding the vitamin contents of fresh fermented toddy or of sweet toddy. There are small quantities of vitamins B and C in fermented as well as in sweet toddy. Vitamin B in fermented toddy is nothing but the yeast in it which can readily be obtained in many ways without having to consume alcohol in any shape for it. Tea and coffee do not supply vitamins in appreciable quantities.

Campaign against tea and coffee in Salem.

35 *Q.*—MR. J. A. SALDANHA: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state whether the Government are aware of any campaign against the drinking of tea and coffee in place of liquors by means of leaflets or articles in the press in the Salem district, and if so, what the attitude of Government is in regard to such campaign?

A.—The Government are not aware of any such campaign.

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[a] Printed as Appendix I on page 528 infra.

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Policy of the Government as regards introduction of Hindi or Hindustani as compulsory or optional language in schools.

36 *Q*.—Mr. J. A. SALDANHA: With reference to the answer to question 80 (*b*) on 18th September 1937, will the Hon. the Minister for Education and Legal Departments be pleased to state—

(*a*) what the policy and programme of Government are as to introducing Hindi or Hindustani as compulsory or optional language in elementary and secondary schools in various districts in this Presidency including South Kanara; and

(*b*) how far Hindi or Hindustani has been introduced in Government, local bodies and aided schools, and what the number of pupils is that are studying Hindi or Hindustani language in various schools in this Presidency?

A.—(*a*) There is no proposal to introduce the teaching of Hindustani in elementary schools. As regards secondary schools, a proposal is under consideration for introducing 'Hindustani' in Forms I to III in about 125 schools in the next year.

(*b*) Hindustani is now taught as an optional subject in 104 secondary schools, mainly under district boards. The Government have no definite information at hand on the other details.

Government's decision in regard to welfare of labourers in coffee and tea estates referred to in Legislative Council Question No. 1 *answered on 21st December* 1937.

37 *Q*.—Mr. J. A. SALDANHA: With reference to the answer given on 21st December 1937 to my question No. 1, will the Hon. the Minister for Industries and Labour be pleased to state whether the Government have arrived at a decision on the matter and if so, what that decision is?

A.—The matter is still under consideration. The Government hope to arrive at a decision soon.

Legislation for reduction of interest on debts due by industrialists.

38 *Q*.—Mr. J. A. SALDANHA: Will the Hon. the Minister for Industries and Labour be pleased to refer to the answer given to my question No. 5 on 21st December 1937, and to state whether Government have since decided or have proposed to take any steps by way of legislation for reduction of interest to be recovered by creditors on debts due by industrialists employing a large number of labourers?

A.—There is a proposal under consideration to fix maximum rates of interest which money-lenders could charge.

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Location of a Treasury at Devakottai.

39 *Q.*—MR. A. RANGASWAMI AYYANGAR: Will the Hon. the Minister for Revenue be pleased to state whether a proposal to locate a treasury at Devakottai has been long entertained by the Government and what has become of the proposal?

A.—The proposal to locate a treasury at Devakottai has long been under the consideration of the Government. They have decided that the proposal should be dropped for the present.

[*Note.*—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

II.—RESOLUTION *RE* AMENDMENTS TO CERTAIN RULES UNDER SECTION 7 OF THE COTTON TRANSPORT ACT.

* THE HON. DR. T. S. S. RAJAN:—" Mr. President, according to the agenda, I should now present the Supplementary Statements of Expenditure for 1937–38. I now wish that procedure to be altered and the House do take up item No. IV and allow the Hon. Mr. V. I. Muniswami Pillai to move the resolution, for this reason. The voting of demands for grants relating to the subject in charge of the Hon. Minister is now going on in the other House and he has therefore got to go there and it is desirable that we should relieve him from this House as early as possible.

" I therefore move, Sir, that item No. IV be taken up in preference to items Nos. II and III on the agenda."

The motion was put and carried.

THE HON. MR. V. I. MUNISWAMI PILLAI:—" Mr. President, Sir, I move that—

' *This Council recommends to the Provincial Government that the following notification submitted to it for approval under section 8 of the Cotton Transport Act,* 1923 (*III of* 1923), *be issued in the form submitted:*—

NOTIFICATION.

In exercise of the powers conferred by section 7 of the Cotton Transport Act, 1923 (*III of* 1923), *the Government of Madras are hereby pleased to make the following amendments to the rules published with Development Department Notification No.* 278, *dated the* 19*th September* 1928, *published at pages*

22nd March 1938] [Mr. V. I. Muniswami Pillai]

1455–1461 *of Part I of the* Fort St. George Gazette, *dated the 25th September* 1928 (*as subsequently amended*):—

Amendments.

In the said rules—

(1) *in rule* (1), for *the words* "*Director of Agriculture, Madras Presidency,*" the words "*Director of Agricuture, Madras,*" shall be substituted; and

(2) *in Form A*—

(i) for the words "*Director of Agriculture, Madras Presidency,*" the words "*Director of Agriculture, Madras,*" shall be substituted; and

(ii) in the Instructions, for the words "*Local Government,*" the words "*Provincial Governments*" and for the words "*Madras Presidency*" the words "*Province of Madras*" shall be substituted.'

"Sir, the object of this amendment is to bring the wording of the Indian Cotton Transport Act in line with the Government of India Act, 1935. The Explanatory Memorandum [a] has already been circulated to hon. Members and I think that explains the reason for moving this resolution."

The resolution was put and carried.

III.—SUPPLEMENTARY STATEMENTS OF EXPENDITURE FOR 1937–38.

* THE HON. DR. T. S. S. RAJAN:—"Sir, in the absence of the Hon. the Finance Minister, who is now engaged in the Budget debate in the other House, I beg to place before this House the supplementary statements of expenditure for the year 1937–38. Section 81 of the Government of India Act requires that if in respect of any financial year further expenditure from the revenues of the province becomes necessary over and above the expenditure theretofore authorized for that year, a supplementary statement showing the estimated amount of that further expenditure should be laid before the Legislature. In accordance with this the Government have got great pleasure in placing this for the consideration of this House. The Auditor General also has agreed to the suggestion that is now put before the House. This is a practice that is followed by the Central Government and the Madras Public Accounts Committee also have recommended that the same procedure might be followed by this Government as is done in the Central Legislature. Therefore I place these supplementary statements of expenditure for the consideration of this House."

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[a] Printed as Appendix II on pages 529 infra.

IV.—MOTION FOR THE SUSPENSION OF RULE 17.

* THE HON. DR. T. S. S .RAJAN:—" Sir, I move—

' *that rule 17 of the Madras Council Rules be suspended and the House do resolve to transact Government business on Wednesday, the 23rd March* 1938.'

" I do so for this reason. To-morrow being Wednesday, it really happens to be a non-official day. But during the budget session, Government business takes precedence over non-official business, and further we had already had one non-official day during this session. I therefore place this resolution before the House and ask its permission to have Government business transacted to-morrow."

* KHAN BAHADUR SIR MAHOMED USMAN SAHIB BAHADUR:—" Sir, is it not possible to have official business transacted day after to-morrow? Hon. Members on this side of the House already feel very much that only one day has been allotted till now, for non-official business. I do not think that even on that non-official day we were able to pass any resolution; and so it would be better if to-morrow, non-official work, instead of official work, is taken up."

MR. S. K. AHMED MEERAN:—" May I know what happened to the agenda of the last non-official day? "

DR. C. RAMALINGA REDDI:—" May I know how many non-official days we had till now? " (Laughter).

THE HON. DR. T. S. S. RAJAN:—" One day."

RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—" Do Government consider it is sufficient? "

MR. S. K. AHMED MEERAN:—" Sir, I rise to oppose the motion before the House. Already the Leader of the Opposition has expressed the feelings of members on this side of the House. I do not think the Leader of the House is unaware of that. Strong feeling has, if I may say so, produced a vehemency with which we state that the Government are taking up all days which ought to be allotted for non-official business in the ordinary course. In the whole of this year, from July onwards till now, we had only one non-official day, and that happened to be a day of two hours, quite unusual. On previous occasions, at least, we yielded to the request made on behalf of Government, because there was the pressing necessity of a bill with regard to prohibition and other matters, wherein they said that on a particular day, it had to be enacted and put on the statute book; and on other occasions we yielded because there was other important Government business. All this shows that we have been willing to accommodate them whenever possible. But now the attitude of the Government shows that they are taking advantage of our leniency. Further the discussion on that day with regard to the only one resolution that was moved, namely, with regard to the separation of the Judiciary from the Executive,

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as incomplete; and ordinarily we expected that to be carried over to ıe next non-official day, and also the consideration of other non-ficial business that was balloted for that day. The rule itself with ›gard to the carrying over of that discussion is there in rule 20, sub-ıle 9, of the Council Rules. I do not think the Government have ıy justification in asking to-morrow to be allotted for transacting ficial business. The reason given by the Leader of the House is that ıis being Budget discussion, precedence should be given for official ısiness. We are not doing any Budget discussion in this House. If on. Members are engaged in other House, they can conveniently ischarge their duties there, because under the present arrangement, e meet only from eleven to one and the other House meets only ·om three in the afternoon to eight at night. So Government can ısily transact business in this House; and so it looks to me the reason lvanced by Government is no reason at all. Already, the Leader : the Opposition has expressed the feelings of Members on this side : the House, and I hope the other Members on the other side of the :ouse will use their influence and see that they safeguard the rights ' this House as Members, apart from the fact they belong to the party power."

* Mr. J. A. SALDANHA:—" Sir, I strongly oppose the motion. ir, we are treated with scant courtesy with regard to the allotment ' non-official days. More encouragement ought to be given to Members › bring forward bills and resolutions. Even under the Justice Party overnment we had liberal treatment. During the last thirteen or fteen years we were given a fairly large number of days for the ·ansaction of non-official business. But now, under the present Con-ress Government we are not treated generously or liberally. If overnment are really more solicitous for public welfare, they should llot more days for non-official business. Now, where is the hurry and ustle for Government business; we have got time till 31st March. urely the time given last time for non-official business, three hours, › very short, when a day of eight hours ought to have been devoted. o it is desirable that to-morrow non-official business should be trans-cted and we resume discussion on the important resolution then efore the House. So I urge the Leader of the House to agree to our emand that to-morrow be given for non-official business."

* The Hon. Dr. T. S. S. RAJAN:—" Sir, it is not the desire of lovernment to shut out non-official days, if they could possibly help :. It does not matter which House sits, as long as it is the Legis-ıture that sits; Government have to listen to arguments and give ıitable replies on subjects that are raised in the other House. The ·udget session generally lasts every day from three o'clock in the after-oon till eight o'clock at night, during which time all Members of ·overnment have to be there, and sometimes the House sits later still. 'hus Members of Government have to sit for at least five hours, and ›metimes even more; and they have been sitting so for the last so ıany days; and the Budget session has to be finished by the end of this

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month. And therefore you will agree with me that for Members of Government to sit from eleven to one here, and then from three to eight in the other House, it will be giving them too much strain, and it is not fair or just to do so.

"Secondly, I want to remind hon. Members that there is no Bill pending before this House. One Bill that was sought to be introduced was thrown out; and there is only one resolution pending, which is more or less a recommendation to Government, and there is plenty of time to take it up and continue discussion on it. I do not see any urgency why that resolution should be taken up forthwith. It is sure to be taken up on the next non-official day."

KHAN BAHADUR SIR MAHOMED USMAN SAHIB BAHADUR:—"Suppose meanwhile the meeting is prorogued?"

MR. S. K. AHMED MEERAN SAHIB:—"If the session is prorogued, it lapses." (*Laughter.*)

THE HON. DR. T. S. S. RAJAN:—"Yes, I admit. But certainly for the next non-official day there will be balloting and the same resolution will have the chance of being taken up again. I am simply pointing out the difficulty of Government and that is why we want to have an official day to-morrow instead of a non-official day."

The motion was put and declared carried.

Mr. S. K. Ahmed Meeran demanded a poll and the House divided thus:—

Ayes.

1 The Hon. Dr. T. S. S. Rajan.
2 Mr. A. Rangaswami Ayyangar.
3 ,, K. Madhava Menon.
4 ,, V. V. Jogayya Pantulu.
5 ,, R. Srinivasa Ayyangar.
6 ,, K. V. Srinivasa Ayyangar.
7 ,, B. Bhima Rao.
8 ,, N. Sankara Reddi.
9 Rao Bahadur V. Vasantha Rao.
10 Mr. M. Narayana Rao.
11 ,, M. Narayana Menon.
12 ,, T. A. Ramalingam Chettiyar.
13 Mr. T. C. Srinivasa Ayyangar.
14 Rao Sahib A. S. Alagannan Chettiyar.
15 Mr. D. Sriramamurti.
16 ,, V. Ganga Raju.
17 ,, L. Subba Rao.
18 ,, P. Veerabhadraswami.
19 ,, K. P. Mallikarjunudu.
20 ,, N. Venkatachalamaji.
21 ,, V. Venkatapunnayya.
22 ,, C. Perumalswami Reddiyar.
23 ,, Nadimpalli Subba Raju.
24 ,, S. K. Satagopa Mudaliyar.

Noes.

1 Mrs. Mona Hensman.
2 Dr. P. J. Thomas.
3 Diwan Bahadur K. Daivasigamani Mudaliyar.
4 Mr. S. K. Ahmed Meeran.
5 ,, Abdul Wahab Bukhari, Syed.
6 ,, B. Narayanaswami Nayudu.
7 Rao Bahadur M. Ramakrishna Reddi.
8 Khan Bahadur Sir Mahomed Usman Sahib Bahadur.
9 Rao Bahadur N. R. Samiappa Mudaliyar.
10 Diwan Bahadur R. Srinivasan.
11 Khan Bahadur T. M. Moidu Sahib Bahadur.
12 Dr. Sir K. V. Reddi Nayudu.
13 Rao Bahadur M. Raman.
14 Mr. J. A. Saldanha.
15 ,, D. Manjaya Hegde.
16 ,, S. J. Gonsalves.
17 ,, D. M. Reid.
18 Dr. C. Ramalinga Reddi.

Ayes 24. *Noes* 18.

The motion was carried.

V.—THE MADRAS SUPPRESSION OF IMMORAL TRAFFIC (AMENDMENT) BILL, 1938.

* THE HON. MR. K. RAMAN MENON:—"Sir, I introduce the Bill[*] further to amend the Madras Suppression of Immoral Traffic Act, 1930, for certain purposes and move— 3-4 p

'*that the Bill be taken into consideration at once.*'

"The Madras Suppression of Immoral Traffic Act, 1930, was passed with the idea of checking and preventing commercialized vice. In working the Act for the past seven years various difficulties have been experienced in the matter of getting the desired results. Opinions have been expressed by the various vigilance associations, by the Council of the League of Nations and also by various non-official bodies and officials, that unless certain defects that are in the Act of 1930 are remedied, the suppression of commercialized vice cannot be brought about. It is with the idea of removing this lacunæ in the Act that this Bill is sought to be introduced. The Bill has been published in the *Fort St. George Gazette*, dated the 8th March 1938. The need for this legislation as I have already stated is set out in the Statement of Objects and Reasons. Experience of the working of the Madras Suppression of Immoral Traffic Act, 1930, has revealed that it is extremely difficult to obtain sufficient evidence to sustain a successful prosecution for offences under sections 9 and 11 of the Act. It is proposed by this Bill to make living on the earnings of prostitution an offence and to shift the burden of proof on to the accused if he is shown to be living with, or habitually in company of a prostitute or to be directing her movements. Lest this provision should work any great hardship, it is provided that the mother and the children of the prostitute will not be liable to punishment unless they are proved to have aided, abetted or compelled her prostitution. A special exemption has been made in the case of close relatives of persons belonging to castes and communities which are accustomed to dedicate girls to temples as it is considered that the new provisions will cause considerable hardship to them.

"The offences under the Act are not to-day cognizable. Consequently, much difficulty is felt in securing genuine and trustworthy evidence for a successful prosecution. It is proposed to amend sections 13 and 14 of the Act so as to make offences under the Act cognizable. At the same time provision has been made to prevent any possible abuse of power by entrusting new powers only to the police officers of and above the rank of Inspectors.

"Clauses 3 and 4 are amendments to sections 13 and 14 of the existing Act whereby the offences under sections 5, 8, 9, 10, 11 and 12 are made cognizable. By these amendments to the Madras Suppression of Immoral Traffic Act, 1930, we are only making legislation

[*] Published in the *Fort St. George Gazette*, dated 8th March 1938.

on the subject almost on a par with similar legislations in the provinces of Bengal, Bombay, etc."

MR. K. MADHAVA MENON:—"Mr. President, Sir, I beg to move—

'*that this Bill be referred to a Select Committee consisting of the following Members with an instruction to the Committee to report to the Council on 23rd March 1938:—*

(1) *Khan Bahadur T. M. Moidu Sahib Bahadur,*
(2) *Mrs. Mona Hensman,*
(3) *Mr. J. A. Saldanha,*
(4) ,, *T. C. Srinivasa Ayyangar,*
(5) ,, *L. Subba Rao,*
(6) ,, *M. Narayana Rao,*
(7) ,, *D. M. Reid,*
(8) ,, *D. Sriramamurthi, and*
(9) ,, *P. Virabadraswami.*'

"The Bill being mainly of a penal nature, it is better that we consider it properly. It being a very small one, we can finish it very easily. That is the reason why I have suggested that the Select Committee may report to the Council on 23rd March 1938."

MR. V. V. JOGAYYA PANTULU:—"I second it."

MR. P. PEDDI RAJU:—"May I mention, Sir, that the Hon. the Minister's name has not been included in the Select Committee? Under the rules, the Minister in charge must be an ex-officio Member of the Select Committee."

MR. T. C. SRINIVASA AYYANGAR:—"If the Committee meets this evening, Sir, I shall be glad to serve on it; if not, I would like to be excused."

* THE HON. MR. K. RAMAN MENON:—"I have no objection to accept the amendment, Sir."

The motion was put and carried and the Bill was referred to the Select Committee.

MR. PRESIDENT:—"Under rule 78 of the Madras Legislative Council Rules, I nominate Mr. D. M. Reid as the Chairman of the Select Committee on the Bill further to amend the Madras Suppression of Immoral Traffic Act, 1930, for certain purposes."

The Council then adjourned to meet again at 11 a.m. the next day.

VI.—PAPERS LAID ON THE TABLE OF THE HOUSE.

1. * *Notification published in G.O. Ms. No.* 689, *Local Administration, dated* 28*th February* 1938, *regarding the dissolution of the Tiruppattur Municipal Council on the* 5*th March* 1938 *and its reconstitution with effect on and from the noon of* 31*st March* 1938.

2. *Notification published in G.O. No.* 781, *Local Administration, dated* 5*th March* 1938, *regarding the amalgamation of the district boards in the local fund district of Vizagapatam.*

3. *Memorandum No.* 14-*III*/38-1, *Development, dated* 3*rd February* 1938, *regarding certain amendments to Commercial Crops Markets Rules.*

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* Sent by post.

APPENDIX I.

[Vide answer to unstarred question No. 33 asked by Mr. J. A. Saldanha at the meeting of the Council held on the 22nd March 1938, page 518 supra.]

EDUCATION AND PUBLIC HEALTH DEPARTMENT.

Serial number and name of the municipality (with population of 50,000 or more, excluding Madras City).	Total number of schemes brought into operation.	Number of *schemes sanctioned* up to 31st January 1938.	Period specified in schemes to enforce or carry out their provisions.	Number of schemes sanctioned that have come into effect.	Number of schemes sanctioned and *carried out completely.*	Number of schemes sanctioned and *partially carried out.*	Loans if any raised for the execution of schemes.	Amount spent.	Amount recovered or likely to be recovered from betterment contribution.	Cases in which arbitrator has been appointed.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
							RS.	RS.	RS.	
1 Bezwada (60,427).	6	..	..	..	..	..	..	..	..	..
2 Calicut (99,273).	2	..	..	..	..	..	..	..	..	..
3 Cocanada (65,952).	1	..	..	..	..	..	..	..	..	..
4 Coimbatore (95,198).	5	3	No time-limit.	3	..	3	..	7,000	2,100 annual income expected.	Arbitrator appointed for the 3 schemes and enquiry in progress.
5 Conjeeveram (65,258).	5	..	..	..	..	..	..	..	..	..
6 Cuddalore (59,057).	..	..	..	..	..	..	..	..	..	..
7 Ellore (57,342).	7	..	..	..	..	..	..	..	..	..
8 Guntur (65,179).	..	..	..	..	..	..	..	..	..	..
9 Kumbakonam (62,317).	2	..	..	..	..	..	..	..	..	..
10 Masulipatam (56,928).	..	..	..	..	..	..	..	..	..	..
11 Madura (182,018).	14	2	No time-limit.	2	..	2		Not available.		Arbitrator appointed for both schemes.
12 Mangalore (66,756).	6	3	Do.	3	1	2	..	36,000	1,000 annual income expected.	Arbitrator appointed for both the schemes.
13 Palamcottah (51,990).	2	..	..	..	..	..	..	..	..	..
14 Rajahmundry (63,526).	5	..	..	..	..	..	..	..	..	..
15 Salem (102,179).	10	9	No time-limit.	9	..	9	15,000 (for one scheme).	15,000	Nil for the present.	Arbitrator appointed for all.
16 Tinnevelly (57,078).	3	..	..	..	..	..	..	..	..	..
17 Trichinopoly (142,843).	9	..	..	..	..	..	..	..	..	..
18 Tanjore (66,889).	..	..	..	..	..	..	..	..	..	..
19 Tuticorin (60,395).	5	..	..	..	..	..	..	..	..	..
20 Vellore (57,265).	4	1	No time-limit.	1	..	1	..	..	..	Arbitrator appointed.
21 Vizagapatam (57,303).	6	2	Do.	2	1	1	..	..	..	Arbitrator appointed for both schemes.

Appendix II.

[Vide item II at page 521 supra.]

Explanatory Memorandum.—These amendments are intended to bring the rules made under section 7 of the Cotton Transport Act, 1923 (III of 1923), into accord with the provisions of the Government of India Act, 1935.

The Government of India Act, 1935, refers throughout to "Provinces" and not to "Presidencies." The word "Presidency" occurring in various Acts has been replaced by the word "Province" by the Government of India (Adaptation of Indian Laws) Order, 1937. In all statutory rules the word "Province" should be used in conformity with the language of the statutes as adapted. The words "Madras Presidency" and "Director of Agriculture, Madras Presidency" occur in the rules made under section 7 of the Cotton Transport Act, 1923 (III of 1923), and these words are proposed to be changed into "Province of Madras" and "Director of Agriculture, Madras," respectively.

The Government of a Province is referred to in the Government of India Act, 1935, as the "Provincial Government" and not as the "Local Government." The expression "Local Government" occurring in the Cotton Transport Act, 1923 (III of 1923), was changed by paragraph 4 (1) of the Government of India (Adaptation of Indian Laws) Order, 1937, into "Provincial Government." The words "Local Governments" occurring in the Instructions under Form A appended to the rules made under section 7 of the Cotton Transport Act, 1923 (III of 1923), are therefore proposed to be altered into "Provincial Governments."

THE MADRAS LEGISLATIVE COUNCIL.

Wednesday, the 23rd March 1938.

The House met at eleven of the clock in the Council Chamber, Fort St. George, Mr. President (THE HON. DR. U. RAMA RAO) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Budget for fasli 1347 in respect of Sreekarpaganathaswami temple, Tanjore district.

* 70 *Q.*—RAO BAHADUR M. RAMAN for Mr. Medai Dalavoi Kumaraswami Mudaliyar: Will the Hon. the Minister for Public Health be pleased to state—

(*a*) the date on which the budget in respect of Sreekarpaganathaswami temple at Karpaganatharkulam, Tanjore district, for the current fasli (1347) was submitted by the executive officer, the date of its receipt in the Board's office and the date of its approval by the Divisional Commissioner;

(*b*) (1) whether the trustees' views on the budget have been obtained by the executive officer before submitting it to the Board as required in the order defining powers and duties of the trustees and the executive officer;

(2) if not, why;

(*c*) (1) whether the Board has asked the trustees to offer their views;

(2) if not, why;

(3) whether the Board has commnnicated a copy of the sanctioned budget to trustees or at least instructed the executive officer to circulate the sanctioned budget amongst the trustees for information;

(*d*) whether the Board has made any alteration in the budget; if so, on whose recommendations;

(*e*) what the total outstauding due is to the temple on 1st December 1937;

(*f*) whether the temple has been completely demolished and if so, what the amount required is for completing the tiruppani work;

(*g*) whether tiruppani work is being carried out from out of the temple funds and if so, whether there are sufficient funds to complete the tiruppani;

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(*h*) the anticipated income and expenditure under each item as per the sanctioned budget of faslis 1346 and 1347 and the actual receipt and expenditure under each item in fasli 1346; and

(*i*) the schedule of establishment with their monthly salary as it stood on 1st December 1936 and 1st December 1937?

THE HON. DR. T. S. S. RAJAN:—" (*a*) The budget of the temple for fasli 1347 was submitted by the executive officer on 13th January 1938 and was received in the office of the Hindu Religious Endowments Board on 17th January 1938. It has been returned to the executive officer for resubmission in the prescribed form with full particulars of the actual receipts and expenditure of the two preceding faslis so as to enable the board to scrutinize and pass final orders on the budget.

" (*b*) & (*c*) Information has been called for by the board. The budget will be passed by the Board, with such alterations as may be required, only after the views of the trustees are obtained.

" (*d*) The question does not arise in view of the answers to clauses (*a*) and (*c*) above.

" (*e*) The total outstandings due to the temple as on 1st October 1937 are furnished—

	RS.	A.	P.
(1) Hypothecation bonds ...	48,877	12	7
(2) Decrees	1,40,064	13	0
(3) Promissory notes	3,450	15	2
Total ...	1,92,393	8	9

" (*f*) The temple is reported to have been completely demolished in the year 1920. On a rough estimate a sum of Rs. 75,000 will be required for completing tiruppani work.

" (*g*) As the funds of the temple were not sufficient, the work was stopped from 1932.

" (*h*) A statement of anticipated income and expenditure under each item for fasli 1346 is kept in the Council Library for reference. The budget for fasli 1347 has not yet been sanctioned. However a statement of the anticipated receipt and expenditure for fasli 1347 as submitted by the Executive Officer is also placed in the Council Library. As regards the actual income and expenditure under each item for fasli 1346, the accounts are with the auditor and therefore the information is not readily available.

" (*i*) The schedule [a] of establishment for fasli 1346 and fasli 1347 is laid on the table."

DR. C. RAMALINGA REDDI:—" May I know what exactly is meant by the term 'tiruppani work'?"

THE HON. DR. T. S. S. RAJAN:—" Renovation of the temple. 'Tiruppani' is a Tamil word meaning 'good work'."

[a] Printed as Appendix I on pages 568–569 infra.

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Appointment of Lieutenant-Colonel Plumptre as Principal, Madras Medical College, in preference to other seniors.

* 71 *Q.*—RAO BAHADUR N. R. SAMIAPPA MUDALIYAR: Will the Hon. the Minister for Public Health be pleased to state—

(*a*) (1) the date of the first appointment of Civil Surgeon without subsequent reversion;

(2) the date of confirmation as Civil Surgeon;

(3) the date of promotion to selection grade;

(4) the date of appointment to a professional post in the Madras or in any other Medical College in India; and

(5) previous professional experience or academic touch, if any, of (i) Lieutenant-Colonel Plumptre, (ii) Dr. A. Lakshmanaswami Mudaliyar, (iii) Dr. M. R. Guruswami Mudaliyar and (iv) Dr. T. S. Tirumurthi;

(*b*) whether it is a fact that Lieutenant-Colonel Plumptre is a junior in service to Dr. A. Lakshmanaswami Mudaliyar, Dr. M. R. Guruswami Mudaliyar and Dr. T. S. Tirumurthi;

(*c*) if so, what the reasons are for appointing Lieutenant-Colonel Plumptre as Principal of the Medical College overlooking the claims of other seniors; and

(*d*) whether the Government have got a combined list of both the Indian and the European officers of Gazetted rank arranged in the order of seniority, and if so, will that list be placed on the table of this House for information?

THE HON. DR. T. S. S. RAJAN:—" (*a*) Sub-clauses (1) to (3) do not apply to Lieut.-Col. C. M. Plumptre, I.M.S. He secured his Commission in the Indian Medical Service on 29th July 1911 and he was first appointed to a professorial post in the Grant Medical College, Bombay, on 1st April 1926. Prior to that he had no academic experience but was employed in the Civil department from March 1923 in various capacities. As regards Dr. A. Lakshmanaswami Mudaliyar, Dr. M. R. Guruswami Mudaliyar and Dr. T. S. Tirumurthi, their dates of first appointment as civil surgeons are 13th January 1920, 22nd June 1917 and 19th September 1917, respectively, their dates of confirmation as civil surgeons are 12th December 1923, 12th December 1923 and 1st July 1925, respectively, and their dates of appointment to professorial. posts are 15th November 1931, 5th July 1921 and 19th September 1917, respectively. Dr. Lashmanaswami Mudaliyar had previous teaching experience having held the post of Instructor, Medical School, Rayapuram, from 4th July 1914 to 24th September 1914 and Assistant Professor of Midwifery from 13th January 1920. Dr. Guruswami Mudaliyar and Dr. Tirumurthi also had previous teaching experience from 1910 and 1913, respectively. More detailed information is available in the History of Services of Gazetted Officers.

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" (b) Indian Medical Service officers start service as gazetted officers. Lieut.-Col. C. M. Plumptre's date of first appointment is 29th July 1911. In the case of the three Provincial officers, the dates of their first appointment to gazetted rank are 4th July 1914, 2nd July 1914 and 15th July 1913, respectively.

" (c) The question does not arise.

" (d) There is no combined seniority list for Indian Medical Service and Provincial Medical Service officers."

RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—" May I know, Sir, whether the Hon. the Minister will order the preparation of a combined list? "

THE HON. DR. T. S. S. RAJAN :—" I do not see any necessity for the preparation of any combined list as suggested by the hon. Member."

MR. A. RANGASWAMI AYYANGAR:—" May I know, Sir, whether the Government desire to establish a convention that individual merits of appointments should not be discussed on the floor of the House, even by way of answers to questions? "

THE HON. DR. T. S. S. RAJAN :—" Certainly when questions of rights and merits are overlooked, I suppose hon. Members have got the right to draw the attention of the Government to particular facts. Beyond that, I suppose any individual consideration of appointments may not be discussed in the House. At least that is what I understand it to be."

DR. C. RAMALINGA REDDI:—" Sir, when the question of seniority is discussed, does it not mean discussing merits also? "

THE HON. DR. T. S. S. RAJAN :—" It is a question of right, Sir."

Technical training to Municipal and District Board Commissioners and establishment of an institute similar to the one at Bombay.

* 72 Q.—MR. J. A. SALDANHA: With reference to the answers given to my starred question No. 19 on 31st August 1937, will the Hon. the Minister for Local Administration be pleased to state—

(a) whether Government have considered the feasibility of a scheme of giving technical training to Municipal and District Board Commissioners and other officials, and what action has been decided upon or is contemplated; and

(b) what action has been taken on the proposal for establishing a Local Self-Government institute at Madras as at Bombay?

THE HON. MR. B. GOPALA REDDI:—" (a) & (b) The questions are still under consideration."

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Mr. J. A. SALDANHA:—" May I enquire, Sir, whether they have not got any definite scheme in respect of these courses of training? "

The Hon. Mr. B. GOPALA REDDI:—" We made a reference about this to the Bombay Institute, which is purely an unofficial body. There it stands."

Mr. J. A. SALDANHA:—" Are Government prepared to introduce similar schemes here also? "

The Hon. Mr. B. GOPALA REDDI:—" We are still considering about it."

Classifications of the graduates of the Madras Ayurvedic College and those from Government Indian Medical School and their relative positions.

* 73 *Q.*—Mr. J. A. SALDANHA: Will the Hon. the Minister for Public Health be pleased to state—

(*a*) on what grounds are the graduates of the extinct Madras Ayurvedic College placed in Class B, while those who have passed from the Government Indian Medical School are placed in Class A under the system of registration of Indian Medical Practitioners;

(*b*) how many years' course did the former undergo as compared with the latter;

(*c*) what is the difference in the curricula of studies and training in the respective institutions for the graduates of the Madras Ayurvedic College and those passing from the Madras Government Indian Medical School;

(*d*) whether the Government have in sanctioning the discrimination against the graduates of the Ayurvedic College taken into consideration that a large number of them have had experience as physicians, as employees in public institutions or as private practitioners;

(*e*) on what conditions has it been decided by the Central Board of Indian Medicine to admit them to the A Class;

(*f*) whether the Madras Ayurvedic College Graduates Association has submitted a representation as to the alleged hardship and injustice of these conditions; and

(*g*) what action have Government taken or propose taking on this representation?

The Hon. Dr. T. S. S. RAJAN:—" (*a*) The graduates of the defunct Madras Ayurvedic College are placed in class 'B' as they satisfy the qualifications prescribed for registration in that class only. The diplomates of the Government Indian Medical School satisfy the qualifications prescribed for registration in class 'A' and they are therefore placed in that class. The qualifications for the two classes are—

'*A*' *class.*—Practitioners whose qualifications denote at least a minimum standard of professional training for undertaking medical, surgical (including obstetrical) and medico-legal work.

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'*A*' *class training centres*.—(1) Course to be not less than five academical years.

(2) During the last three years at least of these five years, adequate provision should be made for clinical training in Medicine, Surgery and Midwifery.

(3) Training given and curriculum of studies followed is to be of the standard of L.I.M. course (Madras) or any other course recognized by the Board as equivalent thereto.

'*B*' *class*.—Practitioners whose qualifications denote at least a minimum standard of professional training for undertaking medical work only.

'*B*' *class training centres*.—(1) Course of training to be not less than four academical years.

(2) During the last two years at least of these four years, adequate provision should be made for clinical training.

(3) Training given and curriculum followed in subjects of Indian medicine is to be of the standard of the L.I.M. course (Madras) or any other course recognized by the Board as equivalent thereto.

"(*b*) & (*c*) There were two courses in the Madras Ayurvedic College. The Ayurveda Bhushana (Sanskrit) and Bhishagwara (Tamil and Telugu) courses for four years and the Laghutrayi course (Tamil and Telugu) for two years. The course in the Indian Medical School extends to five years. Provision has been made in the Indian Medical School not only for the proper training of students in Ayurveda, Siddha and Unani but also for giving them courses of instruction in such subjects like Modern Anatomy, Physiology and Surgery in all its branches including Midwifery and Ophthalmology so as to enable its alumni to become competent practitioners of Indian system of medicine with a good working knowledge of the western system of medicine also. Provision has also been made for clinical teaching (both out-patient and in-patient). From the facts placed before them the Central Board were not satisfied that the courses of training at the Madras Ayurvedic College satisfied the definition of class 'A'.

"(*d*) The Government have stated that they have no objection to the registration of the alumni of the Madras Ayurvedic College under class 'A' or 'B' as the case may be, provided they satisfy the conditions laid down by the Central Board of Indian Medicine in this behalf. All relevant facts have been taken into consideration by the Central Board in registering these graduates. No discrimination has been made against them.

"(*e*) In the case of certain practitioners of Indian Medicine registered in class 'B' who gave evidence of having obtained some theoretical and practical training in subjects of Western medicine such as Surgery and Midwifery, the Central Board of Indian

Medicine recommended that they may be permitted as a special case to appear for the A.L.I.M. examination as private candidates without putting in the prescribed course of training. The Government have accepted the recommendation. Those who pass the examination will be eligible for registration in class 'A'.

"(*f*) The answer is in the affirmative.

"(*g*) The representation is under the consideration of Government."

MR. J. A. SALDANHA:—"May I enquire, Sir, whether professional employment for a period of ten years in a municipality or district board is not enough to bring the practitioners under class 'A'?"

THE HON. DR. T. S. S. RAJAN:—"I have clearly told the House what the conditions are, and when Government have laid down certain definite rules, practitioners will have to satisfy those rules."

Government's policy regarding the grant of licences for arms for destruction of wild animals.

* 74 *Q.*—MR. J. A. SALDANHA: Will the Hon. the Minister for Agriculture and Rural Development be pleased to refer to the answers given to supplementary questions put by Dr. C. Ramalinga Reddi in connexion with the answer given on 31st August 1937 to my starred question No. 12, and to state whether Government have decided to revise their policy with regard to granting licences for arms for the destruction of wild animals and what scheme Government have evolved for the co-operation of the people with Government for organized beats for the destruction of these animals?

THE HON. DR. T. S. S. RAJAN on behalf of the Hon. Mr. V. I. Muniswami Pillai:—"The answer is in the affirmative. The attention of the hon. Member is invited to the Press Communiqué [a] issued with Notification No. 1157, Home, dated 23rd November 1937, at page 1973 of Part I of the *Fort St. George Gazette*, dated 30th November 1937, a copy of which is laid on the table of the House. The Government have evolved no scheme but expect people to co-operate among themselves and organize beats for the destruction of wild animals."

DR. C. RAMALINGA REDDI:—"Are they to co-operate after they have been furnished with firearms, or is there any unarmed band organizing themselves for the destruction of wild animals even now?"

THE HON. DR. T. S. S. RAJAN:—"It is left to those people to do as they please."

DR. C. RAMALINGA REDDI:—"With reference to the answer now given, I shall be thankful if the order is issued in a more liberal

[a] Printed as Appendix II on page 570 infra.

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spirit. In the first paragraph Government state that two conditions must be satisfied for possession of firearms, namely, reliability of the person in respect of misuse or neglect and then keeping them in safe custody and then there is the consideration of the applications more liberally on their merits. I do not understand what further merits there can be after the two tests that have already laid down. Already the two tests really go to the root of the matter, and may I ask Government, whether they really think . . ."

MR. PRESIDENT:—" The hon. Member is not putting a supplementary question. He is simply making a speech on the policy of Government." (Laughter.)

DR. C. RAMALINGA REDDI:—" May I ask Government whether they are going to confer on the District Magistrate the right to judge on the need of a person to possess firearms, when he has taken all the trouble to apply and also paid the licence fee, or whether it would not be better in meeting the national demand in this matter to presume the need in favour of the applicant after applying the two tests, namely, reliability in respect of misuse and safe custody? Will Government revise their order and instruct the District Magistrate to presume that all applicants are in need of firearms, and see that the provisions giving enormous powers to the District Magistrate are not put into effect? "

THE HON. DR. T. S. S. RAJAN:—" This is in no sense a supplementary question. It requires a revision of the policy of the Government."

DR. C. RAMALINGA REDDI:—" May I point out that the point I am raising does not refer to the general policy of Government? In paragraph 2, there is a definite statement, 'the chief considerations should be the need for keeping such arms . . .' I only ask whether after all the other tests for entitling one to possess firearms are satisfied, it would not be better to omit the test of 'need.' The rest of the policy may stand more or less as it is."

THE HON. DR. T. S. S. RAJAN:—" I would like the hon. Member to put it down clearly in the form of a question, so that Government may be able to give a suitable reply. The answer clearly shows that the power of discretion in granting licences is vested in the District Magistrates. After all, there is no better authority than they within the district to judge the necessity or need for giving firearms. And therefore if the hon. Member asks Government to presume every application as genuine, there is very little need for an inquiry; this will lead to irresponsibility or misdirection on the part of Government."

DR. C. RAMALINGA REDDI:—" I am thankful for the answer, and I feel deeply touched by the complete confidence that the Minister possesses in the District Magistrates. The honeymoon is still continuing." (Laughter.)

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MR. PRESIDENT:—" I wish the hon. Member puts a definite question."

DR. C. RAMALINGA REDDI:—" May I ask the Leader of the House in issuing the licences to make a presumption, i.e., to presume the need for possession of firearms in the case of every application in favour of the applicant? The ultimate decision will still be with the District Magistrate; and therefore the discretion is not taken away. I only ask whether it will not be better to liberalize the present order."

THE HON. DR. T. S. S. RAJAN:—" I would like the hon. Member to put a separate question, as this cannot be put as a supplementary question."

DR. C. RAMALINGA REDDI:—" The President has allowed it."

THE HON. DR. T. S. S. RAJAN:—" Therefore I would like the hon. Member to put down a separate question to enable Government to give a definite reply."

DR. C. RAMALINGA REDDI:—" I won't press for the answer now. I would take the present answer as an invitation for further correspondence."

Police recruits' schools in the Presidency and the cost of their maintenance.

* 75 *Q.*—MR. M. NARAYANA RAO: Will the Hon. the Prime Minister be pleased to state—

(*a*) how many Police Recruits' Schools there are in the Presidency;

(*b*) how many constables are trained in these schools every year;

(*c*) what the amount spent every year is since 1930 for maintaining them; and

(*d*) what the amount spent is on each constable towards his meal charges per month in the current year in each of these centres?

THE HON. MR. C. RAJAGOPALACHARIAR:—" (*a*) There are three Central Recruits' Schools in this Presidency.

" (*b*) The average number of constables who complete their training in a year is 904.

" (*c*) A statement [a] is placed on the table of the House.

" (*d*) The average amount spent per month in the current year towards the meal charges of a constable undergoing training is—

		RS.	A.	P.
Central Recruits' School, Vellore	...	4	8	11
Central Recruits' School, Anantapur	...	3	7	11
Central Recruits' School, Coimbatore	...	5	2	9

[a] Printed as Appendix III on page 571 infra.

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MR. M. NARAYANA RAO :—" Sir, Government have fixed three rupees and odd for each recruit in the Anantapur district. May I request Government whether it is not possible to increase that amount, as three rupees and odd is a very small amount for a man in Anantapur? "

THE HON. MR. C. RAJAGOPALACHARIAR :—" The amount of expenditure varies from place to place according to the prices of articles purchased. The needs of the constables are looked after very well, and they should not be reckoned in terms of so many rupees."

DR. SIR K. V. REDDI NAYUDU :—" May I know whether this is less or more than what is spent on a prisoner in jail? "

THE HON. MR. C. RAJAGOPALACHARIAR :—" It depends on the consideration of so many points. There are so many things that are taken into account in fixing the amount. If only hon. Members will sit down and prepared a scheme that we should spend so much more on such and such an item than what is already spent, Government will examine these proposals. But, as it is, Government have not received any complaint in regard to this matter."

Number of Ayurvedic dispensaries in Madras Presidency and establishment of a Central Indian Medical Stores.

* 76 *Q.*—MR. M. NARAYANA RAO: Will the Hon. the Minister for Public Health be pleased to state—

(*a*) the number of Ayurvedic dispensaries in the Madras Presidency in 1930 and in the beginning of 1938;

(*b*) whether any recognized medical store supplies them with standardized medicines;

(*c*) whether there is a proposal before Government to start a Central Indian Medical Stores to supply genuine medicines to these dispensaries; and

(*d*) if not, whether the Government propose starting one such store at an early date?

THE HON. DR. T. S. S. RAJAN :—" (*a*) The number of Ayurvedic dispensaries was 122 in 1930 and 304 in the beginning of 1938.

" (*b*) *Stores of Indian origin.*—These are obtained by indenting for raw materials and making the required preparations on the spot or by indenting for prepared medicines. The supplies are obtained by a system of inviting tenders from certain approved pharmacies and accepting the lowest satisfactory rates. Local purchase is resorted to for meeting sudden and unforeseen emergencies.

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Stores of non-Indian origin.—These are obtained by indents on the Government Medical Stores Depot. Local purchases are made when the articles are obtainable at a cheaper rate—consistent with good quality—than that charged at the Medical Stores Depot.

" (c) & (d) A proposal to open a Central Store of Indian Medicine is under the consideration of the Government."

Steps taken by Government against municipalities not submitting town-planning schemes in time.

* 77 *Q.*—MR. J. A. SALDANHA: Will the Hon. the Minister for Public Health be pleased to refer to the observations in G.O. No. 3488, Education and Public Health, dated 13th December 1937, on the report about town-planning for 1936–37 and state what steps Government propose to take against municipal councils, which are persistently indifferent and dilatory in preparing and submitting general town-planning schemes under section 8 of the Town-Planning Act and detailed town-planning schemes under the subsequent section of the Act?

THE HON. DR. T. S. S. RAJAN:—" The question of taking action against municipal councils which are persistently dialtory in the matter of the submission of town-planning schemes is under consideration."

Canning Industry and its development.

* 78 *Q.*—MR. J. A. SALDANHA: With reference to the answer given on 27th September 1937 to my question No. 65 and the answers to the supplementary questions, will the Hon. the Minister for Industries and Labour be pleased to state what steps Government have taken or contemplate taking for investigating into the question of the development of the canning industry, and what action Government are going to take as a result of such investigation?

THE HON. MR. V. V. GIRI:—" The question of development of the canning industry is seriously engaging the attention of the Government."

MR. S. J. GONSALVES:—" The Hon. Minister stated that the canning industry is seriously engaging the attention of the Government. May I know what progress has been made in the investigation? ".

THE HON. MR. V. V. GIRI:—" The Government are in touch with the canning experts and also with those who want assistance from the Government in the matter of improving the industry."

Production of power alcohol.

* 79 *Q.*—MR. J. A. SALDANHA: Will the Hon. the Minister for Agriculture and Rural Development be pleased to refer to the answer given on 27th September 1937 to my starred question No. 54, and to state what steps Government have taken and propose to take for the

production of power alcohol from cashew juice, toddy, molasses and wood by establishing an experimental factory of their own and by other ways and means?

THE HON. MR. V. I. MUNISWAMI PILLAI:—"The Government have asked the Board of Revenue and the Director of Industries to investigate in consultation with each other the possibilities of producing power alcohol and to submit concrete proposals on the subject for the consideration of the Government. The report is awaited."

MR. J. A. SALDANHA:—"May I ask whether the Government *anticipate any obstruction from British vested interests in India in* connexion with producing power alcohol?"

THE HON. MR. V. I. MUNISWAMI PILLAI:—"So far there has been none."

Steps taken by Government for the introduction of Wardha Scheme.

* 80 *Q.*—MR. J. A. SALDANHA: Will the Hon. the Minister for Education and Legal Departments be pleased to state—

(*a*) what steps have been taken or are to be taken for incorporating what is called the Wardha Scheme in the curriculum of education in this Presidency;

(*b*) which handicrafts are to be introduced in the curriculum;

(*c*) what the teaching staff will be;

(*d*) what the cost of the scheme is estimated to be; and

(*e*) what is estimated as the net gain of the scheme, when carried out over the present scheme?

THE HON. MR. S. RAMANATHAN on behalf of the Hon. Dr. P. Subbarayan:—"(*a*) to (*b*) The matter is under consideration."

MR. J. A. SALDANHA:—"Will the Government tell us in how many months some definite proposals will be placed before the Council?"

THE HON. MR. S. RAMANATHAN:—"A decision will be reached as soon as possible, Sir."

Definition of "local" and "foreign" cattle and the rates of fees fixed in respect of them.

* 81 *Q.*—RAO BAHADUR M. RAMAKRISHNA REDDI: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(*a*) whether any definition has been laid down regarding "local" and "foreign" cattle;

(*b*) if not, whether the interpretation of such terms is left to the discretion of the executive;

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(c) whether it is a fact that cattle from certain villages in Vayalpad and Madanapalle taluks of Chittoor district lying on Cuddaph district border are treated as " foreign " cattle when they go into Cuddapah district limits;

(d) whether a higher rate is levied on " foreign " cattle;

(e) whether the Government have received any representation from the ryots of villages affected to fix a uniform rate; if so, what action was taken thereon;

(f) whether it is a fact that the privilege of free removal of grass in Chittoor forest division for 1937–38 has been confined to only a few reserves;

(g) whether any representation has been received from any person or body to extend the privilege to other reserves also; if so, what action has been taken thereon; and

(h) what the principle is that underlies the selection of reserves?

THE HON. MR. V. I. MUNISWAMI PILLAI:—" (a) & (b) ' Local ' cattle has been defined as cattle within five miles of the reserve in which the grazing is sought; all other cattle are treated as ' foreign.'

" (c) & (d) Yes.

" (e) Yes. The representation is under consideration.

" (f) The answer is in the affirmative.

" (g) Yes. In one reserve the concession has been re-opened. In a few others fee is being charged as there has heen no decrease in the number of fires.

" (h) The concession is given so long as the ryots co-operate with the *department in putting down fires and preventing other abuses.* Where the ryots are found to have wilfully set fire to forest growth or otherwise caused mischief the concession is withdrawn."

RAO BAHADUR M. RAMAKRISHNA REDDI:—" May I ask the Government to consider the question of introducing a uniform rate of fees in Cuddapah as well as in Chittoor having regard to the fact that the ryots are driven to the necessity of taking their cattle to villages situated in other revenue districts owing to the absence of grazing facilities in and around their own villages? "

THE HON. MR. V. I. MUNISWAMI PILLAI:—" As the grazing fees have been reduced by half, I do not think this question arises."

RAO BAHADUR M. RAMAKRISHNA REDDI:—" In view of the fact that the cattle of these people when they go out of their district limits are treated as foreign cattle and are charged double fees, may I know if the fees cannot be made uniform? "

THE HON. MR. V. I. MUNISWAMI PILLAI:—" In the interests of the forests I do not think the Government can do anything more."

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RAO BAHADUR M. RAMAKRISHNA REDDI :—" May I know, Sir, whether it is the intention of the Government to punish a large number of ryots of various villages for the offence committed by one unknown person whom either the Government or the ryots are not able to discover in spite of the fact that the ryots are too willing to co-operate with the Forest department in giving all possible help in extinguishing the fires in such localities? "

THE HON. MR. V. I. MUNISWAMI PILLAI :—" To keep up the prescribed cow unit area in each forest it is desirable that the fees must be different in the case of the local cattle from what they are in the case of foreign cattle."

RAO BAHADUR M. RAMAKRISHNA REDDI :—" What I want to know from the Government is this: They are punishing the innocent ryots because there has been some fire in one part of a reserved forest, though the police and the forest people are not able to discover who the offender is. May I know whether the Government is justified in punishing the other ryots who are hundreds in number? "

THE HON. MR. V. I. MUNISWAMI PILLAI :—" If there is a definite case, the Government will consider."

MR. P. PEDDI RAJU :—" May I ask, Sir, whether the Government are aware that when there is no pasture land available in a particular area and the ryots take their cattle to the neighbouring pasturage, they are compelled to pay double fees? As a matter of fact there is no forest in some districts. Will the Government consider the cases like that? "

DR. C. RAMALINGA REDDI :—" In connexion with that, Sir, may I ask whether the people of those districts who send their cattle to the other districts are far richer than the people of the locality and therefore can afford to pay higher grazing fees? "

MR. P. PEDDI RAJU :—" May I say, Sir, . . . ? "

MR. PRESIDENT :—" The hon. Member has no right to answer a question. He can only ask a question."

Prevention of beggar nuisance in the Presidency.

* 82 Q.—RAO BAHADUR M. RAMAKRISHNA REDDI: Will the Hon. the Minister for Public Health be pleased to state—

(a) whether it is a fact that the community of beggars is a growing source of menace and nuisance to the public;

(b) what steps do the Government propose to take to direct the man power of the sound-limbed portion of the community into nation-building channels;

(c) whether it is a fact that a certain portion of the community is a source of infection and spreading of disease;

(d) whether any action is proposed to be taken to put an end to the beggar nuisance;

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(e) whether the Government propose to call for statistics at an early date regarding the number of beggars in the Presidency with particulars as to how many of them are sound and how many infirm;

(f) whether the Government propose to take any steps to provide food and shelter for the infirm and prohibit the rest from begging; and

(g) whether the Government propose to move in this direction by introducing necessary legislation?

THE HON. DR. T. S. S. RAJAN:—" (a) & (c) Yes.

" (b), (d), (f) & (g) The question is under consideration.

" (e) The answer is in the negative."

Installation of radio receiver sets in Chittoor district.

* 83 Q.—RAO BAHADUR M. RAMAKRISHNA REDDI: Will the Hon. the Minister for Public Works be pleased to state—

(a) the names of places in Chittoor district in which radio receiver sets are proposed to be located;

(b) what the names recommended by the Collector are; and

(c) what the names finally approved by the Government are, among those suggested by the Collector?

THE HON. MR. YAKUB HASAN:—" (a) Palmaner, Thamballapalle, Kalikiri and Chodepalle.

" (b) The Collector did not make any recommendation himself, but the late District Economic Council recommended the following places:—

Taluk.	Village.
Madanapalle.	Thamballapalle.
Do.	Kothakota.
Vayalpad.	Kalikiri.
Punganur.	Chodepalle.
Chandragiri.	Chandragiri.
Puttur.	Vepagunta.
Kalahasti.	Kalahasti.
Chittoor.	Penumur.
Palmaner.	Palmaner.

" (c) Attention is invited to the answer to clause (a)."

RAO BAHADUR M. RAMAKRISHNA REDDI:—" May I know, Sir, why the Government have not chosen even one place in Chandragiri division, though it covers more than half the district in spite of the fact that the Economic Council have recommended five places from that particular revenue division? "

THE HON. MR. YAKUB HASAN:—" The District Economic Council suggested nine places out of which the Government selected four."

Rao Bahadur M. RAMAKRISHNA REDDI:—" May I know the *places selected in Chandragiri division?* "

The Hon. Mr. YAKUB HASAN:—" I have read out the names already."

Rao Bahadur M. RAMAKRISHNA REDDI:—" May I know the names of the places finally selected? "

The Hon. Mr. YAKUB HASAN:—" As I said, I have read out those names."

Rao Bahadur M. RAMAKRISHNA REDDI:—" Those four villages you have read out are not in Chandragiri revenue division. You have not taken even one village in that division."

Mr. PRESIDENT:—" Is it a supplementary question? "

The Hon. Mr. YAKUB HASAN:—" There are nine taluks in Chittoor district but we have taken four villages only."

Rao Bahadur M. RAMAKRISHNA REDDI:—" Is the Hon. Minister aware that all those four places are not in Chandragiri division? "

Dr. C. RAMALINGA REDDI:—" They are all in Madanapalle. The other division seems to have been for some reason or other entirely ignored."

The Hon. Mr. YAKUB HASAN:—" I see the point. I will re-examine the question."

Dr. Sir K. V. REDDI NAYUDU:—" Will the Government consider the case of the sanatorium near Madanapalle, called Arogyavaram? "

The Hon. Mr. YAKUB HASAN:—" I will consider that also."

UNSTARRED QUESTIONS.

Language qualification for typists in Government service.

40 *Q.*—Rao Bahadur M. RAMAN: Will the Hon. the Prime Minister be pleased to state—

(*a*) whether, by reason of the vernacular language rule, inferior *candidates are selected for appointments in preference to superior* candidates;

(*b*) whether, even for posts where language qualification is not necessary, language rule has been prescribed;

(*c*) whether for typists, language qualification has been prescribed and whether these candidates are required to type in the vernacular;

(*d*) whether for this reason typists who possess higher grade in typewriting are rejected while those with lower grade qualification are appointed; and

(*e*) if the answers to the above clauses are in the affirmative, do the Government propose to consider the question of dispensing with the language qualification?

A.—(*a*) Where a knowledge of a language has been prescribed in the rules as a qualification for any post, selection is confined to candidates who have an adequate knowledge of

that language. Candidates who have no adequate knowledge of the language will not be suitable for such a post and the consideration whether they would be well qualified or not in other respects does not meet the case.

(b) In the Secretariat and in certain City offices which employ a fairly large number of clerks, appointments should be made in a certain order, of persons conversant with one of the languages of the Presidency; the object is that appointments in headquarter offices should be distributed among persons belonging to the different language areas.

(c) The answer to the first part of the question is in the affirmative while the answer to the latter part is in the negative. The language qualification has been prescribed for appointment to all posts in the Madras Ministerial Service including those of typists. Although typists are not required to type in the vernacular they have to be called upon to do other miscellaneous duties in an office which would require a knowledge of the language of the district.

(d) The answer is in the affirmative. For example, in the selection held in 1937 a sufficient number of candidates with higher grade qualification in typewriting did not apply for posts to be filled by persons having a knowledge of Malayalam and Kanarese languages and so persons possessing a knowledge of the above languages had to be selected even though they were qualified only by the lower grade in typewriting.

(e) The answer is in the negative as the Government consider that for posts for which language qualification has been prescribed for first appointment thereto only candidates possessing an adequate knowledge of that language should be selected.

Rates of various taxes collected under the Madras Betting Tax Act, 1935, and the alleged running of bucket shops.

41 *Q.*—MR. S. K. AHMED MEERAN: Will the Hon. the Minister for Courts and Prisons be pleased to state—

(a) the rate of totalizator tax under Madras Betting Tax Act (Act XX of 1935) in the years 1935, 1936 and 1937;

(b) the rate of betting tax on book-makers under the Madras Betting Tax Act;

(c) the amount of totalizator tax collected in the year 1936–37;

(d) the amount of betting tax on book-makers collected in the year 1936–37;

(e) why the Government have not made the Betting Tax Act, 1935, applicable to race meetings held at places other than at Guindy;

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(*f*) whether the Government have any proposal to check the evil of bucket shops being conducted clandestinely;

(*g*) whether the Government intend taking steps to ban the publication and sale of news-sheets containing acceptances of horse races conducted outside the province;

(*h*) whether the Hon. the Prime Minister received a copy of resolutions passed at a Conference of Y.M.C.A., Madras, regarding the evil of gambling at the horse race meetings; and

(*i*) if the answer to (*h*) is in the affirmative, whether the Government intend taking any steps in the matter?

A.—(*a*) & (*b*) The rate was originally fixed at $1\frac{1}{4}$ per cent and was subsequently increased to $2\frac{1}{2}$ per cent with effect from 1st June 1937.

(*c*) Rs. 66,770–9–0.

(*d*) Rs. 15,359–13–0.

(*e*) The only other place in the Presidency where race meetings are held is Ootacamund. The Government will consider whether the Act may be extended to the Ootacamund races.

(*f*) The hon. Member is referred to sections 37, 45 and 46 of the Madras City Police Act, 1888, and sections 4, 8 and 9 of the Madras Gaming Act, 1930, which are being enforced. There are no proposals before the Government to deal with evasions of the law.

(*g*) Government will consider whether the suggestion is practicable, viz., to ban whole newspapers for particular items or to control newspaper matter published outside the province.

(*h*) The answer is in the affirmative.

(*i*) The matter is under consideration.

Instructions in improved methods of coir production.

42 *Q.*—Mr. J. A. SALDANHA: With reference to the answer given on 31st August 1937 to my starred question No. 25, will the Hon. the Minister for Industries and Labour be pleased—

(*a*) to give details of the scheme of the short intensive courses for imparting instruction in improved methods of coir production; the number and wages of the instructors employed; the period for which the establishment is sanctioned; the places at which the courses have been given; for how long at each place; and the number of pupils instructed in each place; and

(*b*) to state—

(i) to which places the party has been proposed or resolved to be sent;

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(ii) whether representations were received between 1925 to 1930 from the District Advancement Association, South Kanara, for the fostering of coir industry by appointing instructors and other ways;

(iii) if so, whether Government took any steps; and

(iv) if not, what steps Government are prepared to take now for fostering coir industry in South Kanara?

A.—(*a*) The attention of the hon. Member is invited to G.O. No. 2291, Development, dated 15th December 1936, sanctioning the introduction of intensive courses of training in certain cottage and small-scale industries including the coir industry, a copy of which is available in the library, Madras Legislature. The following are the details of the staff employed: One head maistry on Rs. 40 per mensem, one assistant maistry on Rs. 15 per mensem and one worker on Rs. 10 per mensem. The establishment was sanctioned originally for a period of one year and has since been extended up to 31st March 1939. The demonstration class was started at Calicut under the supervision of the Superintendent, Kerala Soap Institute, on the 5th July 1937 with ten students and subsequently two more students were admitted. The coir-working class at Calicut will be closed on 31st March 1938.

(*b*) (i) The coir-working class will be shifted to Beypore from 1st April 1938.

(ii) Information in regard to this is not readily traceable.

(iii) The question does not arise.

(iv) The question of fostering the industry in the South Kanara district will be duly considered by Government after more experience has been gained of the working of the coir party in the Malabar district.

Grievances of the residents of Manamadura in respect of the location of the Leper Asylum there.

43 *Q.*—Mr. A. RANGASWAMI AYYANGAR: Will the Hon. the Minister for Public Health be pleased to state—

(*a*) whether the Hon. Minister has received a memorial from the residents of Manamadura and its suburban villages regarding the adjacent Leper Asylum; and

(*b*) whether the Government have investigated into the complaints made therein; and what action do they propose to take to redress the grievances?

A.—(*a*) Yes.

(*b*) The matter is under investigation.

Standard of purity of coffee sold in Salem district.

44 *Q.*—MR. J. A. SALDANHA: With reference to the answer given on 31st January 1938 to my starred question No. 26, will the Hon. the Minister for Public Health be pleased to state what action is taken on the question of fixing the standard of purity in respect of coffee; and if there is to be delay in doing so, what the causes are for the delay, and when orders may be expected?

A.—The question of framing rules for fixing the standard of purity of coffee, etc., is still under the consideration of Government. They have recently requested the Imperial Council of Agricultural Research to obtain the remarks of the Agricultural Marketing Advisor to the Government of India on certain draft rules suggested by them. Orders in the matter will be issued as early as possible.

Recruitment of Civil Assistant and Sub-Assistant Surgeons and examinations, if any, held by the Public Service Commission.

45 *Q.*—MR. J. A. SALDANHA: Will the Hon. the Minister for Public Health be pleased to state—

(*a*) the date of the order or communiqué of Government resolving to abolish the direct recruitment to the cadre of Civil Assistant Surgeons and Sub-Assistant Surgeons and the date of its publication;

(*b*) whether there had been, in the meanwhile, any examination held by the Public Service Commission for candidates seeking appointments of Civil Assistant Surgeons; if so, for how many vacancies;

(*c*) how many candidates sat for the examination;

(*d*) what the result was of the examination, to how many candidates their papers were returned and of how many candidates the papers were kept back;

(*e*) whether the fees paid by any of the candidates were returned and if so to how many and when;

(*f*) whether Government ascertained if any of such candidates had suspended or given up practice in the belief that they were selected for the vacancies and were sure of their appointments;

(*g*) whether any of them, if so aggrieved, were appointed to any vacancies of Assistant Surgeons and if so, how many;

(*h*) whether Government have decided to compensate the disappointed candidates in some way or other; and

(*i*) whether any of them have been appointed Honorary Physicians and if so, how many?

A.—(*a*) On the 23rd December 1937 the Government issued orders directing that direct recruitment to the cadres of civil assistant surgeons and sub-assistant surgeons (men and

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women) will for the present be stopped except in cases of extraordinary necessity when one or two civil assistant surgeons may be recruited at the discretion of the Government. The orders were given to the newspapers on 24th December 1937 for publication.

(*b*) The answer to the first part of the question is in the affirmative. The Commission advertised for 12 vacancies.

(*c*) Sixty-nine.

(*d*) Twelve candidates were selected on the result of the examination. The Government have no information regarding the papers of these candidates.

(*e*) The Madras Public Service Commission was directed to refund the fees to all the candidates except those belonging to the scheduled classes. The Government have no further information in the matter.

(*f*) The answer is in the negative.

(*g*) Only one of the twelve candidates selected by the Madras Public Service Commission has been appointed as an Assistant Surgeon.

(*h*) The question of compensation does not arise.

(*i*) The Government have decided to appoint 11 of the candidates selected by the Commission as Honorary Assistant Medical Officers provided that the candidates are willing to accept the appointments. A report has been called for from the Surgeon-General on this matter.

[*Note*.—**An asterisk (*) at the commencement of a speech indicates revision by the Member.**]

II.—THE MADRAS SUPPRESSION OF IMMOR ALTRAFFIC (AMENDMENT) BILL, 1938.

* THE HON. MR. K. RAMAN MENON :—" Sir, I beg to present the report[a] of the Select Committee on the Bill further to amend the Madras Suppression of Immoral Traffic Act, 1930, for certain purposes (L.C. Bill No. 1 of 1938), and move—

> '*that the Bill[a] as approved by the Select Committee be taken into consideration.*'

" I am glad to say, Sir, that no amendment has been made to the Bill."

* KHAN BAHADUR SIR MAHOMED USMAN SAHIB BAHADUR :—" Mr. President, the Madras Suppression of Immoral Traffic Act, 1930, was a non-official measure introduced in the old Legislative Council by Mr. K. R. Venkatarama Ayyar. I was then the Member of Government in charge of the Bill. When the Select Committee Report came up before the House, an amendment similar to the one contained in clause 2 of the Bill now under consideration was sought to be introduced

[a] Printed as Appendix IV on pages 572–575 infra

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and I, as Member of Government, had to oppose it simply because there were certain hardships and difficulties on account of the existence of devadasis in this Presidency. I am glad that in the present Bill those difficulties and hardships have been removed by exempting from the scope of the provisions of section 8-A, certain specified relatives of the prostitutes and also certain communities known as devadasi communities. Therefore I am of opinion that section 8-A might stand as the objection to it which I raised at that time has been removed."

MR. PRESIDENT:—"*The hon. Member need not go into the* details of the whole Bill now."

KHAN BAHADUR SIR MAHOMED USMAN SAHIB BAHADUR:—"I am only speaking generally, Sir.

"The next change that is sought to be made by means of this amending Bill is to make the offences under the Act cognizable and to entrust new powers to police officers of and above the rank of inspectors. No doubt both these changes will make the new Act work more effectively, but I think, until and unless a central rescue home is established in Madras, the Act could not be worked satisfactorily at all. I would therefore request the Government to consider the question of establishing a central rescue home in the city of Madras if this Act is to be properly worked. In addition to this, Sir, there should be shelters in every municipality where the rescued girls could be kept till they are removed by the order of the Court to the central home in Madras. If the cost of a rescue home is very much the Government may consider the question of renting a building for the purpose of locating it. My point is that though the amendment sought to be introduced now no doubt would make the Act work in a better manner, the need for a rescue home still remains. Unless and until a rescue home is brought into existence, it will be impossible to successfully work the Madras Suppression of Immoral Traffic Act of 1930."

5 * MR. J. A. SALDANHA:—"Mr. President, Sir, I enirely agree
P. with the observations made by the hon. the Leader of the Opposition just now. I think, Sir, the Government in framing this Bill have not considered about the establishment of rescue homes or other homes for accommodating the people who may be thrown away in the streets. I, therefore urge that Government should take immediate steps for providing homes for them. Of course though there are some homes for the purpose, I do not think they will be able to provide for the large number of people that may have to be taken to them as a result of this Bill. The only result of the enforcement of this law will be to increase the number of such people and if they are not provided in the homes they will naturally be spread over the whole town and in fact the results will be worse than the conditions that exist at present. I would therefore ask the Government to give an assurance that they would take the necessary steps. I may here mention

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the case of the enforcement of the Leprosy Act. Because they could not make provision for refuge homes for these lepers, they said that they could not enforce the Act. It will be the same here also, because as the result of this amending Bill many more persons will be thrown on the streets without any accommodation and there will also be the question of maintaining them. I know there are some missionary institutions which do work on these lines, but I am told they are not being aided by the Government. At least unless some such encouragement as the giving of grants to such institutions, is given by the Government, I am afraid this Act will be worse than useless."

* DR. SIR K. V. REDDI NAYUDU:—"Mr. President, Sir, on a point of procedure, now, we are in the second reading stage of this Bill and I have not been accustomed to listening to speeches as if we are on general discussion. Except perhaps while discussing certain amendments, general remarks seem to be out of place. I would like to have your ruling on the matter, Sir."

MR. PRESIDENT:—"The question is that the Bill as approved by the Select Committee be taken into consideration."

* DR. SIR K. V. REDDI NAYUDU:—"That stage is passed, Mr. President. It has been taken into consideration; it was sent to the Select Committee and the Select Committee report has been received."

MR. PRESIDENT:—"The question before the House is that the Bill further to amend the Madras Suppression of Immoral Traffic Act, 1930, for certain purposes, as approved by the Select Committee, be taken into consideration. So, we are in the stage of taking that Bill into consideration."

The motion was put and carried and the bill was taken into consideration.

Clause 2.

* MR. R. SRINIVASA AYYANGAR:—"Mr. President, Sir, I beg to move—

> '*In line 5 of the proviso to sub-section (2) of new section 8-A, for the words "the Court is satisfied," substitute the words "it is proved to the satisfaction of the Court".*'

"If the amendment is accepted, the proviso will read as follows:—

> '*Provided that the mother, or a son or daughter, of a prostitute shall not be punished under sub-section (1) for living on the earnings of such prostitute unless it is proved to the satisfaction of the court that such mother, son or daughter is aiding, abetting or compelling her prostitution.*'

"It is only a matter of drafting and the idea is to make it more effective and forcible. I do not, therefore, think there will be any opposition to this and hope it will be accepted, because it is only a verbal amendment."

MR. V. V. JOGAYYA PANTULU:—"I second it, Sir,"

* THE HON. MR. K. RAMAN MENON :—" I have no objection to accept that verbal amendment."

The amendment was put and carried.

* MR. S. K. AHMED MEERAN :—" Mr. President, Sir, I beg to move—

'*Omit sub-section* (3) *of section 8-A.*'

" Sir. I am not able to understand the reason for exempting the persons mentioned in sub-clauses (*a*), (*b*) and (*c*) of that section. The section relates to the exemption of certain persons mentioned therein who belong to the dancing girls community, or as it is put in here ' belonging to any caste or community which is accustomed to dedicate girls to temples.'' If the sub-section is allowed to be put on the Statute Book, it will amount to this, that if the persons mentioned therein, viz., the paternal grandfather, the paternal grandmother. . ."

THE HON. MR. C. RAJAGOPALACHARIAR :—" Has the hon. Member any objection to speak through the phone? "

* MR. S. K. AHMED MEERAN :—" No, Sir. If the persons mentioned in the sub-section are exempted from the penalties provided for in sub-section 8-A (1) which wants to punish those who are living on the earnings of a prostitute, it is not going to remedy the evil. In this way, if any person is proved to be living with or habitually in the company of a prostitute, or to have exercised control, direction or influence over the movement of a prostitute in such a manner as to show that such person is aiding, abetting or compelling her prostitution with any other person or generally, it shall be presumed until the contrary is proved that such person is knowingly living on the earnings of the prostitution of another within the meaning of sub-section (1) and for this the punishment is provided in sub-section (1). Now, this sub-section (3) wants to exempt persons mentioned therein. But I am not able to find, any reason for giving exemption to such persons and that is to the paternal grandfather, the paternal grandmother and so on. Of course it may be said that since these people belong to the community in which prostitution is perhaps the natural occupation, so we must not try to punish the people mentioned therein, simply because they are trying to live on the earnings of the prostitution of another. If this is the object of this Bill, namely, to exempt the persons mentioned here, I fail to see the reason for this Bill itself. If that should be the argument, I say this very Act should not be on the Statute Book at all. This Act has come forward to remedy a need which is accepted on all hands to be a real need and that it is intended to suppress immoral traffic or immoral vice which has been going on in the city and elsewhere. If that be the real object of this Bill, we must try and see that people do not live on the earnings of the prostitution of another even though they belong to the community of dancing girls. If that is a vice and if it could not be tolerated by the State in the case of another, I do not see why we must make any concession in the

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case of those belonging to the dancing girls community. Sir, I might also say that with regard to the castes and communities which dedicate girls to temples, though it was considered to be the dedication to temples, it was actually resulting in vice. Now, here is a statutory recognition of the fact that girls dedicated to temples are girls dedicated to vice. The very fact that this sub-section wants to provide for exemption to such girls shows that they want to give statutory recognition to the fact that girls dedicated to temples are girls dedicated to vice. I do not think that, that was the object of the framers of the Bill. So, I have nothing more to say that when once you are willing to punish those who are living on the earnings of the prostitution of another, I am not able to see why any difference should be made in the case of those belonging to this community.

" Further, Sir, the list appended to that sub-section contains so many persons, and in my opinion it is even very difficult to put it in operation. For example, the first list begins like this: paternal grandfather, paternal grandmother, the maternal grandmother and the maternal grandfather. This will also help me to strengthen my observation. I will give you an illustration by taking the paternal grandfather. If this relates to a community where ordinarily prostitution is an ordinary occupation, I take it ordinarily, they do not have their legitimate father—I say, ordinarily, though there may be exceptions to this—but I am not going into that now. When once we are speaking of or referring to a community wherein prostitution is an ordinary occupation and where marriage is not an ordinary thing in the family, I take it ordinarily there will be no legitimate father as it will be very difficult to prove. In such a case, how is it possible to find out who is the paternal grandfather? For example, there may be a case like this. I am only giving it as an illustration and let nobody misunderstand me if I refer to any particular community for the sake of illustration. Supposing there is a woman in Madras who has got illegitimate relationship with a Nattukottai Chetti in Chettinad. Who is it to be the father of the offspring? Is he not the father? Then, supposing, though he is not a legitimate father, he is the illegitimate father, and if somebody says that he is the paternal grandfather, how is that to be determined? We must first know, who is the father. I will take also another case. If a man is found in the premises of a prostitute and if the Government want to take action against him under section 8-A, he will say, I am the paternal grandfather of this prostitute. How is that to be determined? It will have to be determined who is the natural father of this prostitute's mother's paramour and then find out whether he is the paternal grandfather. In the same way, it will lead to endless difficulties. It will, instead of solving the difficulty or achieving the object for which this Bill has been brought forward, complicate matters a great deal.

" In the same way, we have 'the wife or husband of any such lineal descendant.' I do not know where this will end if we are going

to make investigation with regard to these things. Now, I will take the case of husband of any such lineal descendant, for the purpose of illustration.

12 noon "Suppose, for purposes of illustration, a gentleman may happen to be living in a place hundreds of miles away from Madras, and he may say, 'I am the husband of one of such lineal descendants' and the gentleman happening to be living in Georgetown may be a paternal grandfather. How is that to be determined? So for these reasons I move that the entire sub-section (3) be deleted."

* MR. SYED ABDUL WAHAB BUKHARI:—"Sir, I rise to second the amendment moved by Mr. Ahmed Meeran. In doing so, I want to point out that by allowing Devadasis to have this immoral trade, it will be putting a premium on prostitution, which will be against the very spirit of the Act which is going to be enforced now. I have nothing to add to what my friend has already said except to request Government, who have been given the unique privilege of having passed an Act like Prohibition, to take courage in their hand and do away with this great evil once for all. Sir, I have great pleasure in seconding the motion of Mr. Ahmed Meeran."

* MR. J. A. SALDANHA:—"Mr. President, the tenderness of the Madras Government towards the Devadasis is rather not intelligible. The system of Devadasis exists in Bombay, and the Bombay Act of 1920 does not contain any provision making this concession in their favour or their family. Another assumption which Government have made is marriage among Devadasis. Among Devadasis, if I am not mistaken—I do not think I am wrong—there is no such thing as marriage. So there is no grandfather and, as a matter of fact, there is no legitimate father at all. Then, Sir, while 'grandfather' is mentioned, I do not know why 'father' is omitted; and then there is an extension of this to so many lineal descendants. Here again, there is an assumption that there is a husband and a wife."

THE HON. MR. C. RAJAGOPALACHARIAR:—"I think, Mr. Saldanha will go a long way on a wrong track if I do not correct him now. Clause (*a*) refers to paternal grandfather and clause (*b*) to lineal descendants of the paternal grandfather; and this includes father. This is only due to the legal and cumbersome way of putting things. So, father is not lost sight of."

* MR. J. A. SALDANHA:—"I say the assmuption is wrong. There is no father, no legitimate father. Then, there is the father having a daughter, and giving away that girl to the temple. It is of doubtful advantage to encourage this system. In my opinion a large amount of reforming of women is required in all such castes. The system of Devadasis is an antiquated thing, and the Congress Government should not fight shy of their reform. I would, therefore, omit sub-clause (3)."

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* MR. T. A. RAMALINGAM CHETTIYAR:—" Sir, I am sorry to say there is some misapprehension with reference to this matter. I am sure my friends on the other side recognize that the Congress Party is not in favour of perpetuating prostitution in any way. That is not their object. It is not their object either to frame safeguards for the purpose of saving some people, so that they may not suffer, if they are really culpable. At the same time, whatever their view may be, they have to be realistic. They have to take into consideration the facts of life as they exist. I do not know how the matter stands so far as the Andhra districts are concerned. But so far as the Tamil districts are concerned, I can say, that this class of Devadasis or whatever the name may be, are not prostitutes as a class. In each family, there may be half a dozen daughters, some of them married and others not married. They may be the kept-mistresses of some of the big men in the villages. Even there, it is not really a question of ordinary prostitution as obtaining in towns. What is done is, these women are kept by some particular people. They are kept as if they have married them, as it were. That is the state of affairs. So we cannot really forget the real state of affairs and go on in a theoretical way to deal with life. So, it is only for the purpose of allowing those classes, those families and those communities, which are described as Devadasis in the census report, but whom we actually see leading a life as I just now explained, not to come within the purview of this Act, that this provision is sought to be introduced. Again, it may be that a man may be married and he may have issues by his wife. But some of the daughters may become prostitutes in the sense that they are not married while some others are married. So there is a paternal grandfather, there is a father and so forth. So it is not a question of this sub-section being introduced to deal with a class of persons who do not exist at all. What has to be done if we accept the opinion of the Opposition is to make unlegal convictions even in those cases penal. I suppose it was Dr. Muthulakshmi Reddi who, in the former Council, wanted to introduce legislation to put an end to the system obtaining in the south. It is only by a Bill such as hers that you can get rid of the difficulty, and not by ignoring what really exists in the country. That is the way in which we ought to look at the matter. It is in that view the party in power is introducing this sub-clause and not because they want to perpetuate prostitution. It so happens that our life is not an individual life at any rate in our country. It is a family life; it is a family in which the father, the paternal grandfather and the paternal grandmother, all live together. And the fact that some members are prostitutes in a technical sense does not take away the fact that there is a joint family. It is only in that view the sub-clause is introduced."

* THE HON. MR. K. RAMAN MENON:—" Sir, I oppose this amendment, and in doing so, I may be permitted to say that I very much appreciate the promptings which made my hon. Friend, Mr. Ahmed Meeran, suggest his amendment. But I am sorry, he has mis-

understood the whole scope of the Madras Suppression of Immoral Traffic Act, 1930, and of the amending Bill, that is now before this House. It is a mistake to think that what is sought to be suppressed is prostitution as it is. Government . . ."

* MR. S. K. AHMED MEERAN :—" On a point of personal explanation, Sir. I never meant anything of that kind. I never said that the Devadasi system should be abolished. I only said that it is the commercialized way of prostitution that should be abolished."

* THE HON. MR. K. RAMAN MENON :—" I stand corrected to that extent. I was saying that only as a preliminary remark to my further arguments. It is conceded that what is sought to be done by this enactment is only to stop traffic in women, and not to stop a custom which existed perhaps much earlier than the practice of trafficking in women which exists in our own presidency. This Devadasi system as a system owes its origin to a custom which is perhaps centuries old, and it is not the purpose of this Bill to abolish it. I do not think any legislature has taken up that task in any part of India. If we are to accept the amendment of my friend, we will be abolishing the Devadasi system, which is not the object for which this legislation is introduced. Even the Act of 1930 was sought to be directed only against traffic in women. My submission is that in so far as the Act of 1930 and this amendment are concerned, they are only intended to prevent individual persons who are independent of these women from making use of these women to trade upon them and earn a living; it is only those individuals who are sought to be touched by this amending Bill so that the carrying on of commercialized vice might be prevented. I submit it is too much to think of abolishing the Devadasi system on account of this. I am not here, nor is it necessary, to say, how and when that system came into being. It is here, at any rate, and when legislating, we have to think of the existing state of affairs and we ought to have a sense of the realities.

·15 m. " What is sought to be done by this amendment is to create a new offence. I may be permitted, Sir, in this connexion, to refer to the Act of 1930. It says in the Preamble, ' It is expedient to make better provision for the suppression of brothels and of traffic in women and of girls . . .' I submit, my amending Bill comes entirely within the scope of the Preamble of the Act of 1930, but if the amendment of my hon. Friend, Mr. Ahmed Meeran, is accepted, we will be going beyond the scope of the Preamble of the Act of 1930. Under the Act of 1930, brothel-keeping, procuration and other things have been made offences and there is no distinction made between Devadasis or any other dasis. The Act only says under section 5 that the keeping of a brothel is an offence. There is no exemption there in the case of any person, whether Devadasis or non-Devadasis. Under section 9, again, the importing of women or girls for prostitution is an offence. There also there is no question of Devadasis or non-Devadasis. In section 10 too there is no question of any distinction made of the kind mentioned above.

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Section 11 makes procuration an offence. In this section also Devadasis are not mentioned. Section 12, similarly does not make any distinction between Devadasis and others. The Act as a whole does not therefore make any distinction among persons who commit the offences mentioned above. By this amendment what is sought to be done is to make living upon prostitution an offence which was not an offence according to the Act of 1930. The Government feel that this traffic in women will be stopped by making proper use of this legal provision making it an offence. In doing that, the question before the Government was, as to what extent they should go. They are alive to the fact that there is going on a system of traffic in women and that people are making a living out of it. That has to be stopped, but in doing that, it has to take stock of the realities of the situation and the existing conditions in the country. It might be very good to talk about social reform. For example, I may say that I am receiving ever so many petitions and resolutions asking that animal sacrifice should be stopped. Are the Government going to take action on those representations of social reformers belonging to one community or other? If they bring in legislation for those purposes, will there not be opposition on the floor of this House from one section or other? So, when we are thinking of legislation in regard to social and religious matters, we should try to take the entire community with us and proceed with some hesitation so to say. We ought not to ride rough shod over the sentiments of people. We therefore in the present case propose to exempt people who are there on account of the existence of the century-old custom. I am glad the answer to my hon. Friend, Mr. Ahmed Meeran, has been given by the hon. the Leader of the Opposition. Sir Mahomed Usman said that when the Act of 1930 was on the anvil, an amendment was sought to be moved and he objected to it on the ground that the Devadasis as a community were living this sort of life for a considerable time and should be shown some consideration. He says now that he welcomes this amendment because there is ample provision here to safeguard the interests of the community. I need not add anything to what he has said.

" Then my hon. Friend, Mr. Ahmed Meeran, complained that in the proviso it is said that the father, the paternal grandfather, the maternal grandfather, the wife and the husband are exempted, and that there is no knowing how these things are to be proved. In cases which go before a court where paternity is disputed, there are certain rules which lay down how the proof should be accepted. In the case of these people also similar proof can be accepted. The court will be able to say who the real persons eligible for exemption are and exempt them. No apprehension need be entertained about what the court will do. The court will do things as laid down in the enactments. Therefore I oppose the amendment for the omission of sub-section (3) of section 8-A in clause 2."

* MR. S. K. AHMED MEERAN:—"May I be permitted to say a few words?"

MR. PRESIDENT:—"No. The mover of an amendment has no *right of reply*."

The amendment was put and lost.

* MR. S. K. AHMED MEERAN:—"Sir, I will move my next amendment. I want to add . . ."

MR. PRESIDENT:—"Is the hon. Member making any alterations in the amendment?"

* MR. S. K. AHMED MEERAN:—"No, Sir. I move—

'*In sub-section* (3) remove *the colon and dash after the word* "*temples*" *and* add *the following words before sub-clause* (*a*):—

"*unless the court is satisfied that such relative is aiding, abetting or compelling her prostitution*:—"'.

"Sir, sub-section (3) exempts certain people. I want to provide by this amendment that in case the court is satisfied that such relatives —those that are in the list given—aid, abet or compel her prostitution, they should not get the benefit of this provision in sub-clause (3). As a matter of fact, a similar provision is made in sub-clause (2) with reference to the mother, the son, or daughter of a prostitute. There it is stated that it shall be presumed until the contrary is proved that such person is knowingly living on the earnings of the prostitution of another within the meaning of sub-section (*a*): Provided that the mother, or a son or daughter of a prostitute shall not be punished under sub-section (1) for living on the earnings of such prostitute unless the court is satisfied that such mother, son or daughter is aiding, abetting or compelling her prostitution. In the same way, I want to add those words 'unless the court is satisfied that such relative is aiding, abetting, or compelling her prostitution' to sub-section (3) also so that if the court is satisfied that the persons mentioned in sub-section (3) actually aided, abetted or compelled her prostitution, they will not get the benefit of it and they will be punished under section 8-A. I hope the Government will accept my amendment."

KHAN BAHADUR T. M. MOIDOO SAHIB BAHADUR:—"I second it."

* THE HON. MR. K. RAMAN MENON:—"I am sorry I am unable to accept the amendment. Sir, I am afraid the whole scheme of the Amending Bill has been lost sight of by the hon. Member. The scheme of the Bill is that Devadasis or those persons who have by virtue of a custom dedicated their girls to temples should be given some protection. My friend says that even in such cases the court may go into the question as to whether they are aiding, abetting or compelling prostitution and that if it is proved that they are doing it, they may be punished. The Government are very particular about giving protection to this

community for the time being. The Government are hoping that as society progresses—we are already seeing signs of it to-day and the Devadasis are not now the sort of whores as some might imagine—it will be possible to legislate further. Till that stage is reached, the Government are not prepared to hand over power to the executive officers in matters of this kind. A wrong person can very easily be harassed and we cannot permit it. We cannot permit a whole community to be subjected to harassment. I am therefore unable to accept the amendment.''

The amendment was put and lost.

MR. PRESIDENT:—" There are two amendments on the order paper, one of Mrs. Hensman and one of Mr. Saldanha. As Mrs. Hensman's amendment is more comprehensive, I call upon her to move her amendment.''

* MRS. MONA HENSMAN:—" Mr. President, owing to a mistake of mine, two drafts have been circulated in this House as amendments in my name. The one I am referring to is the amendment circulated this morning asking that in clause 2—new section 8-A (3)—certain words may be included. I will read it out in a few moments.

" My other amendment is to *omit sub-clauses (b) and (c) in section 8-A, sub-section (3)*. That is the amendment I am moving just now.

" My whole instinct is for the amendment of Mr. Meeran, but as that has been rejected, I am trying to bring in an amendment which should be acceptable to all.

" Now, Sir, I am aware, as the Hon. Minister has stated, that a new offence has been created and that new penalties have been prescribed. May I, in this connexion, also congratulate the Government on their courage in introducing an amending Bill of this nature and putting it on the Statute Book? Sir, this action of the Government is an encouragement to all those who are doing social service of any kind and this kind of work in particular. I am glad that Government are sympathetic towards this movement and the progress of social reform generally. As the Hon. Minister has stated, 8 years ago when the Bill was before the Legislature, this particular section could not be introduced. I was associated with the people who introduced that Bill and I agree that the Government would not have been able to pass that bit of legislation if a clause like the one now inserted had found a place in that original Bill. That is a matter for congratulation, Sir. On this occasion I am glad to point out that this particular amendment to the Bill now before the House is, from one point of view, slightly abnormal. You will excuse me, Sir, if I call a spade a spade and if I use certain words which might have been considered rather indelicate some eight years ago.

" As regards the clause which refers to the prostitution of women, I should like to say that, in usual circumstances it is the men who keep the women and that is made no offence. But what we are out just now to secure is that women who are in the position of helping and aiding and financing other members of the family by leading this life, should be protected, and saved from unnecessary harassment. We are all Indians. My own paternal and maternal grandparents were Hindus. I do realize that we have to go slow and that social reform legislation should be gradual. Changes in the social customs should be undertaken slowly. Therefore, I would like to concentrate on sub-clause (3) (*a*). I would ask that we insert before the words, 'the paternal grandfather,' the words 'father, mother, brother, sister, daughter, son.'

30 n. " Here, I may say also that the words 'mother, daughter and son' have already occurred further up in the proviso to section 8-A (1) and so it will be more in accordance with legal procedure, if the same things are not mentioned twice; and I would be quite willing if the relations not mentioned in the proviso, namely, father, brother, sister, be included in my amendment. I want to make a point over that and I have brought in those relations to prove my point. First of all they belong to a family. I am quite aware of the system of girls being dedicated to temples, which is an immemorial custom and however much you may try and pass legislation and put laws on the Statute Book, this will not go immediately out of date, but these things have got to be changed in time. Our Hon. Minister for Courts and Prisons proved to us that there are certain changes at work and that the whole community is getting more education and that they are ceasing to have such vague relationships or elastic relationships as they had in the past. Here, I would like to point out this, that I have not introduced the word 'husband,' but I have introduced the word 'father' because in certain communities and in certain religions, the relationship of a husband is elastic and expanding. This applies to particular communities. But, we do not wish the girls of our own nationality to whatever community they may belong to be in the first instance necessarily separated from their family even if they are leading lives that may be usual with them and according to certain beliefs and certain traditions. Therefore, I ask that these girls should be left for the present with the father, mother, brother, sister, son and daughter. But, I would plead with this House that the relationships indicated in sub-clauses (*b*) and (*c*) of sub-section (3) should be omitted forthwith if only for this reason. These lineal descendants are a standing incubus. Probably, this Bill will help the particular castes in question very much if you omit sub-clauses (*b*) and (*c*) because each girl will be free to provide for her own family in whatever way she pleases and the relations of her own family, but she need not be bound to provide for many other people, who in these days of unemployment will probably hang round each of these girls who are dedicated to temples or to some other way of life and may probably bleed her and

not leave her enough money even to concentrate on her own particular family. That is one aspect of the question.

"Another aspect is, as the Hon. the Minister has already told us, the question of immorality has got to be proved when an individual case comes up. I would ask why the whole community should if they choose to do so, live on the earnings of these girls. Particular families in our country hold family life very dear. We must restrict family life somewhere and if you go on including lineal descendants, why not extend it to other castes or even to other religions and why not take the whole world, because at one time or other we were all related together to one or two particular ancestors in the beginning of creation. I would therefore ask that 'family' ought to be restricted to the family as we know it in our own homes. I feel that, as I said before, the relationships that are mentioned above need not be rementioned in this clause and I would ask you to consider that very specially at this time there are some practical difficulties. We do know, I mean those of us who have worked with girls and who have taken the girls from the police and put them in our rescue homes, that certain instruction is given to them by the men who keep these houses or by the women who unfortunately keep these houses. When we say that women belonging to certain communities are to be exempted from the penalties, we know that a great many of the girls will be expected to say either to the police or the welfare workers that they belong to such and such a community, but we know that there will be such loop-holes in any legislation and there must be loop-holes somewhere for the innocent people to suffer the least they can; and we are willing for a time to allow such loop-holes.

"Sir, another very great difficulty would be that some people would come forward and claim relationship with the person concerned even though they are not related to her but these thiugs will happen always and we cannot help that. I would therefore go as far as to ask for the girl being left with her family and all the family relationships being included in clause (3) and I would induce hon. Members to be generous in supporting my amendment for the omission of sub-clauses (*b*) and (*c*). I quite understand that sub-clauses (*b*) and (*c*) were included by the Select Committee so that no hardship should be imposed upon those who, by no will of their own or by no choice of their own, have had to be living on the earnings of a prostitute. But, I think that we have family ties and family relationships recognized in sub-clause (3) (*a*) and that might supply the need. I appeal therefore to every individual in this House, not to think at this time of party considerations, not to think at this time of any other consideration except that of humanity, that all men and women are our flesh and blood, and try to put an end to this commercialized vice and the trade in women that is taking place at this time. I know there are some who will not be able to accept this amendment of mine, but I would plead with all those who are hesitant about it to stretch a point and give us this handle whereby these relations of the women in question might not be excused the penalty of the law. In the case of these

lineal descendants and others who have no legal right—those who shall I say, are not entitled to any pension or any part of the salary if the earning member dies,—there should be no exemption from the penalty of aiding, abetting or compelling the girl, and why should they be a standing incubus and a burden or a mill-stone round the necks of these unfortunate women who have already got so much to bear?

"Finally, Sir, I would like to add, even if this amendment be rejected—for I am prepared for it to be rejected or even if it is upheld by only a very few Members of this House—that I am very grateful to you, Sir, for giving me an opportunity to bring in my amendment, because I feel it is a stepping stone for the future. If there had not been an amendment of this sort, it would be more difficult for us to bring in any such thing in the future. I am quite aware that this Bill is not going to be the same for all time. It may be that within a few years another Bill will be introduced to follow this up, whereby this particular clause will be deleted. I am quite sure of that. But now, if this amendment is passed, I am sure it will be a mile-stone on the way of progress towards social legislation. Even if my amendment is lost, as I think it will be because of the majority vote, yet I think it will be a stepping stone for the future, because it will be something to build on in our effort to put an end to this traffic in women and commercialized vice."

DR. P. J. THOMAS:—"I second the amendment, Sir."

* MR. S. K. AHMED MEERAN:—"Mr. President, may I know on what amendment we are."

MR. PRESIDENT:—"I stated already that there were two amendments."

MRS. MONA HENSMAN:—"By way of personal explanation, Sir. I started by saying that by an oversight on my own part, two amendments were circulated, but that I wanted to move the second one."

MR. S. K. AHMED MEERAN:—"As there were two amendments, I thought, Mrs. Hensman was referring to the earlier one. Now, with regard to the amendment moved by the hon. the lady Member, I may say, I am in entire agreement. In supporting the amendment, I wish to make clear one or two points in which confusion is likely to arise. It is said that the original Act for the suppression of immoral traffic is not an Act for abolishing prostitution, but it is only an Act to prohibit commercialized vice and this fact ought to be borne in mind by every one and that when members tried to move amendments to this Bill had this in view. But, to use this as an argument and say that when amendments are moved, they were intended to abolish the devadasi system which was in existence for centuries, is, I think, trying to create unnecessary confusion. But when members tried to move amendments with regard to the exemptions provided in the section, they never intended for a moment to abolish the devadasi system. It cannot be abolished by the mere deletion of the section. I want that to be

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made clear, because the Hon. the Minister definitely stated that this will virtually abolish the devadasi system. For example, a woman may lead a life of prostitution, even though this Act is passed with the amendments. What we want to do is, if somebody wants to live on the earnings of such a prostitute, it should be made an offence and that is the object of this Bill. What we say is, if you accept the principle that no one should live on the earnings of a prostitute, do not make an exemption in the case of devadasis. It is one thing to say that the devadasi system should go and an entirely different thing to say that you should not allow another person to live on the earnings of a devadasi. The Hon. the Minister for Courts and Prisons did not at all bear that in mind when he stated that this will lead to the abolition of the devadasi system. I hope hon. Members will take note of the fact that when we move amendments, it is not for the abolition of the devadasi system, but we want to penalize those who live on the earnings of a prostitute—never mind whether she is a devadasi or an ordinary prostitute.

"I have great pleasure in supporting the amendment moved by Mrs. Hensman to omit sub-clauses (*b*) and (*c*). If it is the idea of the Government not to encourage living on the earnings of a prostitute, I am not able to understand why it should be tolerated in the case of devadasis. Though the system may be in existence for centuries, and though the woman may be living such a life, why should a person or persons who want to live on the earnings of that woman be tolerated in this civilized world."

*Mr. J. A. SALDANHA:—"Sir, this Bill presumes there is a sort of joint family among . . ."

Mr. PRESIDENT:—"Is the hon. Member speaking on the Bill or the amendment?" 12 P

Mr. J. A. SALDANHA:—"I am speaking on the amendment. The clause pre-supposes there are male ancestral relatives to the women concerned. This supposition is generally not based on realities. Perhaps the women concerned may have sisters or daughters. But the clause does not stop with that. It extends to other relatives also, as though they are dependent on them. It is unnecessary and objectionable to allow so many to be dependent on them. Sub-clauses (*b*) and (*c*) are therefore, I submit, iniquitous, and will defeat the purpose of the Bill. So, I oppose the retention of these sub-clauses."

*The Hon. Mr. K. RAMAN MENON:—"Sir, I oppose the amendment. And I may assure Mr. Ahmed Meeran that I am not one of those persons who are going to weep over the abolition of the devadasi system. With regard to the scope of the present Bill, I may also tell him that that is not what is intended by this legislation. What is intended by this Bill is to prevent prostitution as a commercialized vice. We are not intending to abolish prostitution adopted by this community or that community, or this individual or that individual. We are out to abolish prostitution carried on by certain persons as a commercial business, so to say, prevalent perhaps on account of the

advanced civilization. We are not out to strike at a system which has been in existence for a considerably long time and over which it was not intended to legislate by the original Act. The confusion has perhaps arisen on account of the fact that the Opposition was very anxious to make Government understand their point of view. So far as Government's position is concerned, I think I have made it clear; and I will once more repeat it. What is intended to be done by this Bill is to stop or check traffic in women, that is to say, to get rid of the system whereby certain individuals, make it a profession so as to make a living out of prostitution—virtually speaking, by making women sell their self-respect and their body. There are people in our country who want to do it. With that in view, let us examine the devadasi system, and see whether it can be brought within the ambit of this piece of legislation. The devadasi system has its origin in remote times. Perhaps it has developed to the extent to which commercial prostitution is going on in this country. Perhaps for social reasons and perhaps for religious reasons, certain girls are dedicated to temples, and may be carrying on prostitution. It may be that prostitution is carried on at the instance of a particular mother, or a particular girl or a particular brother. We do not touch that, now because prostitution in those cases generally is brought about not on account of the fact that there is an inducement made by one of the relatives of the girl, so that they may live upon that. I think hon. Members will agree that there are several people in society going so far out of their way as to be purchasing, inducing, or enticing girls and keeping them and carrying on the trade of prostitution. If that position is accepted, there is no difficulty in understanding the position *vis a vis* the abolition of the devadasi system. So what is sought to be done is the abolition of that system which is prevailing whereby a man is purchasing, is inducing, is enticing and making use of a woman by making her sell her self-respect and sell her body and thereby making a profit to himself.

"We do not want to attack the devadasi system because it has been going for a very long time. It is left to social reformers to do it. It is left to them not only to serve their party purposes but also to do social service. I am sure in supplementing the efforts of social workers like Mrs. Hensman and Mr. Ahmed Meeran, Government will not lag behind. What is needed at present is not so many rescue homes as social workers. We have been waiting to see whether there are any social workers who will be agreeable to take charge of these rescue homes. So even when we think of legislating we should consider the ways and means of working the Act. So there is no harm in our waiting for some time till we find the machinery for carrying out our legislation when it is passed. There is no meaning in hurrying through it. Legislatures are not going to be abolished; we are meeting three or four times in the year; and I hope Mr. Ahmed Meeran and other friends will help Government to abolish the devadasi system when the occasion arises.

"So far as the deletion of sub-clauses (*b*) and (*c*) are concerned, it is not the intention of the Government to disturb the joint family life. The Bill aims at only attacking persons trading on immoral life. Any

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individual or community of people leading honest life will not be affected by this enactment."

The amendment was put and lost.

Clause 2 as amended was put and carried.

Clause 3.

* MR. R. SRINIVASA AYYANGAR:—" I move—

'*to add in line 1 of sub-section (2) of new section 13, the words " in writing " after the word " behalf ".*'

" I do so only to remove an element of uncertainty which one notices in the clause as it stands."

MR. V. V. JOGAYYA PANTULU:—" I second it."

THE HON. MR. K. RAMAN MENON:—" I accept the amendment."

The amendment was put and carried.

Clause 3 as amended was put and carried.

Clause 4.

* MR. R. SRINIVASA AYYANGAR:—" Sir, as a consequential amendment to what has just been accepted by the House in the previous clause, I move—

'*that in line 5 of new section 14 in clause 4, after the word " behalf," the words " in writing " be added.*' "

MR. V. V. JOGAYYA PANTULU:—" I second it."

THE HON. MR. K. RAMAN MENON:—" I accept the amendment." 1 p.m.

The amendment was put and carried.

Clause 4 as amended was put and carried.

Clause 5 was put and carried.

Clause 1 was put and carried.

The preamble was put and carried.

* THE HON. MR. K. RAMAN MENON:—" Mr. President, Sir, I now move—

'*that the Bill further to amend the Madras Suppression of Immoral Traffic Act, 1930, for certain purposes, be passed into law.*'

" I do not think that a further speech on this matter is necessary. The Bill has got the approval of the whole House. To those hon. Members who are prepared to go a step further in this piece of legislation, I have explained why the Government are not in a position to keep pace with them. I hope that with the co-operation of the enthusiastic workers of the Vigilance Association, we will be able to work this measure satisfactorily and in course of time, further improve this measure."

The motion was put and carried and the Bill was passed into law.

The House then adjourned to meet again at 11 a.m. on the 25th March 1938.

APPENDIX I.

[Vide answer to starred question No. 70 asked by Rao Bahad M. Raman for Mr. Medai Dalavoi Kumaraswami Mudaliyar at t meeting of the Legislative Council, held on the 23rd March 193 page 532 supra.]

Statement showing the establishment for Sri Karpaganathaswami temple f fasli 1346 as sanctioned by the Committee and approved by the Board.

Serial number and designation.	Names.	Cash per month.		Paddy per month—Tanjore.		Remarks.
		RS.	A.	KALAMS.	MAR.	
	Office establishment.					
1 Treasurer	T. R. Kannuswami Pillai.	50	0	..		Appointed as cashier on Rs. from 1st June 1937.
2 Accountant	B. Reogachari ..	20	0	..		
3 Suit clerk	S. Kuppu Chettiyar ..	20	0	..		
4 Trustee's personal clerk.	K. Balasubrahmanya Ayyar.	20	0	..		Ceases to function at appointment of execut officer.
	Temple establishment connected with temple daily service.					
1 Kovil puja gurukkal.	Subrahmanya Gurukkal.	15	0	..		
2 Perumalkovil puja.	R. Raghava Ayyangar.	12	0	..		
3 Temple paricharakan.	V. Mani Ayyar ..	15	0	..		
4 Temple maniam ..	P. Ramaswami Mudaliyar.	..		3	0	
5 Devadasi	Kuppammal	3	12	..		
6 Do.	Nagammal	3	12	..		Removed in November 1 as being superfluous.
7 Nathasuram (piper).	Munian	13	0	..		
8 Nattuvan	Pakkiri	4	0	..		
9 Muttukkaran ..	Mariappan	3	0	..		
10 Sangu-nagarah ..	Do	1	0	..		
11 Ilanir kavadi (cocoanut carrier).	Vyrappan	0	8	..		
12 Kothumani (ringer of bell).	Kathan	0	8	..		
13 Melkaval (temple watch).	V. Mariappan ..	..		3	0	
14 Temple sweeper ..	Karuppayee ..	..		1	0	
	Tope establishment.					
1 Tope maniam ..	P. Palani Velayutham.	2	0	5	0	
2 Tope talayari, E block.	Swaminathan ..	..		3	0	
3 Tope talayari, middle block.	P. Kalimuthu ..	..		3	0	
4 Tope talayari, west block.	M. Veerappan ..	..		3	0	
Coconut-plants watch.	Arumugam ..	..		2	0	
	Village establishment.					
1 Village maniam ..	M. N. Ramaswami Tevar.	..		5	0	
2 Vicharippu	Rengaswami ..	..		3	0	
3 Two village talayaris. 4 One village vettian ..	Ramaswami and Kali.	Paid neither in cash nor in kind but are entitled to some swatantram which depends upon annua outturn.				
1 Temple bandy-driver.	Subbayyan	..		3	0	
	Total ..	183	8	34	0	
2 Office sweeper ..	....	..		..		Provision is made but appointed.
3 Office peon	....	..		..		
	Nandavanam.					
1 Chinnaswami Thevan.	....	..		5	0	When the Divisional Commissioner visited the temple last year he remark about the absence of flower garden whereup these persons were appointed and their p were charged under Spec pay—Miscellaneous ite of expenditure.
2 Kathan	....	..		2	6	
3 Pothian	....	..		2	6	
	Total ..			44	0	

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Statement showing the establishment for Sri Karpaganathaswami temple for fasli 1347 (*current*).

Serial number and designation.	Names.	Cash per month.	Paddy per month—Tanjore.	Remarks.
		RS. A.	KALAMS. MAR.	
		Office establishment.		
1 Executive officer ..	C. Thiagaraja Mudaliyar.	100 0	..	Appointed as per Board's Order, dated 8th May 1937.
2 Cashier	T. R. Kannuswami Pillai.	25 0	..	Temporary subject to removal shortly.
3 Accountant	G. Ganapathy Ayyar.	20 0	..	Recently died on 20th December 1937. A new man has to be appointed.
4 Suit clerk	....	20 0	..	Original incumbent dispensed with. A new man has to be appointed. Executive officer is for the last five months looking after the duties of suit clerk.
		Temple establishment.		
1 Kovil gurukkal ..	S. Subrahmanya Gurukkal.	15 0	..	
2 Perumal puja ..	V. Ramaswami Ayyangar.	10 0	..	
3 Temple paricharakan.	K. S. Sreenivasa Ayyar.	15 0	..	
4 Temple maniam ..	P. Ramaswami Mudaliyar.	..	3 0	
5 Devadasi	Kuppammal	3 12	..	
6 Nathaswaram (piper).	T. Munian	6 8	..	The same pay of Rs. 13 is equally distributed to two persons.
7 Do.	R. Munian	6 8	..	
8 Nattuvan	V. Kothandapani ..	4 0	..	
9 Muttukkaran ..	Mariappan	3 0	..	
10 Sangu-nagarah ..	Do.	1 0	..	
11 Ilanir kavadi ..	M. Pothuvidai ..	0 8	..	
12 Kothumani (ringer of bell).	Kathan	..	0 2	
13 Meikaval (temple watch).	V. Mariappan ..	..	3 0	
14 Temple sweeper ..	....	..	1 0	
		Tope establishment.		
1 Tope maniam ..	Subbayya Servai ..	2 0	5 0	
2 Tope talayari (east block).	V. Marimuthu ..	..	3 0	
3 Tope talayari (middle block).	P. Kalimuthu ..	..	3 0	
4 Tope talayari (west block).	M. Veerappan ..	..	3 0	
5 Coconut-plants watch.	K. M. Kalimuthu ..	..	2 0	
		Village establishment.		
1 Village maniam ..	M. N. Rangaswami Thevar.	..	5 0	
2 Vicharippu	Kalimuthu	..	3 0	
3 Two village talayaris.	Ramaswami and Kali.	Paid neither cash nor in kind but are entitled to some swatantram which depend upon outturn.		
4 One village vettian ..				
		Nandavanam.		
1 Nandavanam chief ..	T. V. Marimuthu Thevan.	..	3 0	When the Divisional Commissioner inspected the temple last year he remarked about the absence of a flower garden whereupon these persons were appointed last year. A new man was appointed on a lesser salary. Their pay has now to be brought under establishment charges which the Board will be pleased to sanction.
2 Nandavanam waterer.	M. Kathan	..	2 0	
3 Nandavanam waterer.	Thammimalai Servai.	..	2 0	
Temple bandy driver.	M. Rathnam	..	3 0	
Office sweeper ..	....	..	..	
Office peon	....	..	..	
	Total ..	232 4	42 2	
Office peon	....	4 0	..	

C—7

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APPENDIX II.

[Vide answer to starred question No. 74 asked by Mr. J. A. Saldanha at the meeting of the Legislative Council held on the 23rd March 1938, page 537 supra.]

Press Communiqué of the Government of Madras, Home Department, dated Fort St. George, the 23rd March 1937.

The Government observe that the number of licensed guns in this Presidency has been decreasing annually during the last few years. The Government consider that such reduction may not be desirable in areas where there is a definite need for protection against wild animals. While District Magistrates should continue to scrutinize applications carefully, particularly in regard to the point whether an applicant can be trusted not to misuse or be neglectful in the use and safe-keeping of the weapon; and while a large and indiscriminate increase in the number of licensed weapons is undesirable, the Government are of the opinion that applications for licences from persons in areas of the description mentioned may well be considered more liberally on their merits.

2. The attention of licensing authorities, District Magistrates and the Commissioner of Police, Madras, is further drawn to the fact that in dealing with an application for a licence, the chief considerations should be the need for keeping such arms and the reliability of the party against misuse or neglect. The fact that the applicant was concerned directly or indirectly in the non-co-operation or civil disobedience movement should not be allowed to weigh against him.

Persons who held licences under the Arms Act, 1878, for the possession, etc., of firearms and who were deprived of them during these movements are informed that they are at liberty to apply for such licences if they so desire.

H. M. HOOD,
Secretary to Government.

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Appendix III.

Vide answer to starred question No 75 asked by Mr. M. Narayana Rao at the meeting of the Legislative Council held on the 23rd March 1938, page 539 supra.]

Statement showing the amount spent in each year since 1930 on maintaining the Central Recruits' Schools.

Year.	Central Recruits' School, Vellore.			Central Recruits' School, Anantapur.			Central Recruits School, Coimbatore.		
	RS.	A.	P.	RS.	A.	P.	RS.	A.	P.
1930-31	(Figures not available			(Figures not available)			37,154	7	[illegible]
1931-32	Do.			Do.			33,439	10	2
1932-33	Do.			16,342	12	7	27,063	8	6
1933-34	Do.			20,081	2	11	28,234	9	6
1934-35	19,863	2	9	26,515	0	1	30,631	2	5
1935-36	19,245	1	10	30,629	6	11	29,599	12	10
1936-37	17,553	2	0	29,149	11	3	30,149	5	4
1937-38	19,658	7	9	22,702	1	8	28,663	5	8
	(up to 28th February 1938)			(up to 31st January 1938)			(up to 28th February 1938)		

NOTE.—(*a*) Central Recruits' School, Anantapur, remained closed from 5th December 1932 to 31st July 1933.

(*b*) The figures given under Central Recruits' School, Vellore, exclude the pay and allowances of the Principal and his office staff as they are common to both the Police Training School, Vellore, and the Central Recruits' School, Vellore, and also the expenditure in respect of service postage and telegram charges and stationery.

APPENDIX IV.

[Vide item II at page 551 supra.]

Report of the Select Committee on the Madras Suppression of Immoral Traffic (Amendment) Bill, 1938

To

THE HONOURABLE THE LEGISLATIVE COUNCIL,
MADRAS.

The Select Committee appointed to consider the BILL FURTHER TO AMEND THE MADRAS SUPPRESSION OF IMMORAL TRAFFIC ACT, 1930, FOR CERTAIN PURPOSES, has the honour to make the following report.

2. The Bill was published in the *Fort St. George Gazette* in English on the 8th March 1938.

3. The Committee was appointed on the 22nd March 1938. An instruction was given to the Committee to make its report on the 23rd March 1938.

4. The Committee met at 4 p.m. in the Committee Room, to the south of the Council Chamber, Fort St. George, for considering the Bill.

5. The Committee considered the Bill clause by clause and approved of the Bill as introduced.

6. The Committee decided it was not necessary to republish the Bill in view of the fact that there were no changes in the Select Committee.

7. A copy of the Bill as approved by the Committee is annexed.

FORT ST. GEORGE,
Dated 22*nd March* 1938.

D. M. REID,
Chairman.

ANNEXURE

L.C. BILL No. 1 OF 1938.

A Bill further to amend the Madras Suppression of Immoral Traffic Act, 1930, *for certain purposes.*

Approved by the Select Committee.

dras Act of 1930.

WHEREAS it is expedient further to amend the Madras Suppression of Immoral Traffic Act, 1930, for the purposes hereinafter appearing; It is hereby enacted as follows :—

Short ti

1. This Act may be called the Madras Suppression of Immoral Traffic (Amendment) Act, 1938.

Insertic new section 8-A Madras V of 19 — adras Act of 1930.

2. After section 8 of the Madras Suppression of Immoral Traffic Act, 1930 (hereinafter referred to as the said Act), the following section shall be inserted, namely :—

Punishr for livin the earn of pros tion.

"8-A. (1) Any person not below the age of eighteen years who knowingly lives, wholly or in part, on the earnings of the prostitution of another person shall be punished with imprisonment which may extend to two years or with fine which may extend to one thousand rupees or with both.

(2) Where any person is proved—

(*a*) to be living with, or to be habitually in the company of, a prostitute, or

(*b*) to have exercised control, direction or influence over the movements of a prostitute in such a manner as to show that such person is aiding, abetting or compelling her prostitution with any other person or generally,

it shall be presumed until the contrary is proved that such person is knowingly living on the earnings of the prostitution of another within the meaning of sub-section (1) :

Provided that the mother, or a son or daughter, of a prostitute shall not be punished under sub-section (1) for living on the earnings of such prostitute unless the Court is satisfied that such mother, son or daughter is aiding, abetting or compelling her prostitution.

(3) Sub-sections (1) and (2) shall not apply to the following relatives of a prostitute belonging to any caste or community which is accustomed to dedicate girls to temples :—

(*a*) the paternal grandfather, the paternal grandmother, the maternal grandfather and the maternal grandmother;

(*b*) any lineal descendant of the paternal grandfather and grandmother or of the maternal grandfather and grandmother; and

(*c*) the wife or husband of any such lineal descendant."

Substitution of new section for section 13, Madras Act V of 1930.

3. For section 13 of the said Act, the following section shall be substituted, namely:

Arrest without a warrant.

"13. (1) Any Police officer not below the rank of Inspector may arrest without a warrant any person who has been concerned in any offence punishable under section 5, 8-A, 9, 10, 11 or 12 or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists of his having been concerned in any such offence :

Provided that a person concerned or alleged or suspected to be concerned in an offence punishable under section 12 shall be arrested under this section only if the name and address of such person be unknown to the Police officer and cannot be ascertained by him then and there, or if he has reason to suspect that a false name and address have been given.

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(2) Any Police officer authorized in this behalf by the Commissioner of Police or the Superintendent of Police by special order, may arrest without a warrant any person committing in his view any offence punishable under section 9, 10, 11 or 12, if the name and address of such person be unknown to such Police officer and cannot be ascertained by him then and there, or if he has reason to suspect that a false name and address have been given."

4. For section 14 of the said Act, the following section shall be substituted, namely :— *Substitution of new section for section 14, Madras Act V of 1930.*

"14. Notwithstanding anything contained in any other law for the time being in force, any Police officer not below the rank of Inspector, and any other Police officer authorized in this behalf by the Commissioner of Police or the Superintendent of Police by special order, may, for the purpose of ascertaining whether an offence punishable under section 5, 8-A, 9, 10, 11 or 12 has been or is being committed, enter without a warrant any premises in which he has reason to believe that any woman or girl is living in respect of whom an offence punishable under section 5, 8-A, 9, 10, 11 or 12 has been committed." *Power to enter premises.*

5. In section 15 of the said Act, after the word and figure " sections 5 ", the figure and letter " 8-A," shall be inserted. *Amendment of section 15, Madras Act V of 1930.*

THE MADRAS LEGISLATIVE COUNCIL.

Friday, the 25th March 1938.

The House met in the Council Chamber, Fort St. George, at eleven of the clock, Mr. President (THE HON. DR. U. RAMA RAO) in the Chair.

I.--QUESTIONS AND ANSWERS.

STARRED QUESTIONS

* 84 *Q.* [a] [Postponed.]

Certain irregular payments made by the Commissioner, Vizianagram municipality, in May 1937.

* 85 *Q.*—MR. N. VENKATACHALAMAJI: Will the Hon. the Minister for Local Administration be pleased to state—

(*a*) whether it is a fact that the Chairman, Municipal Council, Vizianagram, made a representation in the last week of May 1937 that the then Commissioner made many irregular and illegal payments to the staff;

(*b*) whether the present Commissioner sent a report on these payments to the Government;

(*c*) whether the Government deputed the Inspector of Municipal Councils to investigate into these payments;

(*d*) if so, whether the Inspector has submitted his report to the Government;

(*e*) (i) whether, if a report is received from the Inspector of Municipal Councils, it will be placed on the table; and

(ii) what action the Government have taken on the report;

(*f*) if the answer to clause (*b*) is in the affirmative, whether the present Commissioner stated in the report that some records were fabricated and whether the Chairman, in his forwarding remarks, stated that he suspected fabrication;

(*g*) if so, whether the Government have instituted any investigation into the charge; and

(*h*) if an investigation was ordered, whether the investigation has been completed and what the result is of the investigation?

THE HON. MR. B. GOPALA REDDI:—" (*a*) & (*b*) The answer is in the affirmative.

[a] Vide pages 580-581 infra.

" (c), (d) & (e) The Government did not depute the Inspector to investigate into the payments. The Inspector however communicated his views on the subject to the Government demi-officially. It is not considered desirable to place the communication on the table.

" (f), (g) & (h) The Commissioner's report is under the consideration of the Government."

Issue of licences for buses plying on the Palmanerkuppam road, which runs in the Chittoor District Board area as well as in the Mysore State limits.

* 86 Q.—RAO BAHADUR M. RAMAKRISHNA REDDI: Will the Hon. the Minister for Local Administration be pleased to state—

(a) the number of miles of the Palmanerkuppam road under the respective areas of the Chittoor District Board and the Mysore State;

(b) the agency that is looking after the maintenance of this entire road;

(c) whether it is a fact that the district board has been and is issuing licences for buses to run on the entire road;

(d) whether it is a fact that the Mysore State was not issuing any bus licences for the portions of this road lying in the area of the State till 1st January 1936 and that it is insisting on such licences after that date although that portion of the road is under the maintenance of the District Board, Chittoor, and if so, the reasons for such changed procedure; and

(e) whether there have been any representations from the bus licensees of this route, that they are made to pay licence fee for the entire distance by the Chittoor District Board and for the portion lying in Mysore State by the State authorities, and if so, the action taken thereon?

THE HON. MR. B. GOPALA REDDI AND THE HON. MR. K. RAMAN MENON:—" (a)

	M. F. FT.
Length of the road in the Chittoor District Board area	41—4—256
Length of the road in the Mysore territory	2—3—404

" (b) The Chittoor District Board.

" (c) The answer is in the affirmative.

" (d) The Government have no information as to whether the Mysore State authorities were or were not issuing bus licences prior to 1st January 1936 for the portions of the road lying in the State. According to the Mysore Road Traffic and Taxes Regulation, 1935, which came into force on 1st January 1936, motor

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buses plying for hire in the Mysore State are liable to a Service Tax based on seating capacity and a mileage cess calculated on the total distance traversed by the bus. The Mysore Government have exempted motor buses plying for hire on this road from the payment of mileage cess. The Service Tax has to be paid at the reduced rate of 12 annas per seat per quarter subject to a minimum of Rs. 15 per bus per quarter (as against the ordinary rate of Rs. 7 per seat per quarter.)

"(e) The Government understand that a representation was made to the President, District Board, in June 1936 by the Chittoor Motor Transport Company (the licensees of this route), requesting him to move the District Magistrate, Kolar, to exempt the company from the Service Tax. The President informed the company that they should pay the reduced Service Tax in accordance with the notification issued by the Mysore Government."

Bus licences granted to non-British subjects in the District Boards of Chittoor, Anantapur and Salem for other than inter-provincial routes.

*87 Q.—RAO BAHADUR M. RAMAKRISHNA REDDI: Will the Hon. the Minister for Local Administration be pleased to state—

(a) the number of bus licences granted to non-British subjects in each of the District Boards of Chittoor, Anantapur and Salem, for other than inter-provincial routes;

(b) whether it is a fact that these non-British subjects were granted licences by the district boards in preference to local existing British subjects; and

(c) whether the Government have any proposal under consideration for framing rules insisting upon the local boards to give preference to British Indian subjects over those of Indian States in the matter of issuing bus licence?

THE HON. MR. B. GOPALA REDDI:—

	Number of bus licences granted to non-British subjects for other than inter-provincial routes.
"(a) Chittoor	7
Anantapur	7
Salem	Nil.

"(b) The answer is in the negative so far as the Anantapur District Board is concerned and the question does not arise in the case of the Salem District Board. As regards Chittoor, the President, District Board, reports that the licensee of the buses in question has been plying them in the district for a number of years and

that in considering the claims of new applicants, preference is being given to persons belonging to the Chittoor district.

"(c) The answer is in the negative."

RAO BAHADUR M. RAMAKRISHNA REDDI:—" May I draw the attention of the Government to the fact that the Government of Mysore in their notification published on 21st November 1935 have stated that licences for inter-provincial service should be given only to the subjects of His Highness the Maharaja of Mysore either by birth or by domicile, and that a like rule restricting the service to British subjects is not observed as far as the Chittoor District Board is concerned? And may I request them to call for a detailed report from the authorities concerned and see that preference is given to British subjects and not to Mysoreans?"

THE HON. MR. B. GOPALA REDDI:—" It will be considered."

RAO BAHADUR M. RAMAKRISHNA REDDI:—" May I put the question No. 88 on behalf of Mr. Saldanha?"

MR. PRESIDENT:—" Is the Hon. Member authorized to put the question on his behalf?"

RAO BAHADUR M. RAMAKRISHNA REDDI:—" No, Sir. He has not given me any authority."

THE HON. DR. T. S. S. RAJAN:—" I have got the answer and I shall give it."

MR. PRESIDENT:—" In that case, the answer to the other question (Question No. 84) may also be given."

THE HON. DR. T. S. S. RAJAN:—" The Hon. the Minister for Courts and Prisons will answer that question as it pertains to his subject."

Extension of service granted for non-gazetted staff of the civil courts in South Kanara, Malabar and Coimbatore.

* 84 *Q.*—MR. J. A. SALDANHA: Will the Hon. the Minister for Courts and Prisons be pleased to place before the House—

(a) a statement up to 30th June 1937 showing the number in the civil courts of the districts of South Kanara, Malabar and Coimbatore, of non-gazetted officers in the superior service, who have been given extension of service after the age of 55 and who are still in service; and to state—

(b) what the rule, practice and policy of the Government are as to granting extension of service to non-gazetted officers in the superior service in the several departments, in order to solve the question of unemployment among the educated people; and

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(c) whether it is a fact that no such extensions are given in any other department except in the Civil Judicial department in the Presidency to non-gazetted officers in the superior service and, if so, on what grounds is the exception made in civil courts?

THE HON. MR. K. RAMAN MENON :—" (a) The following statement furnishes the required information:—

South Kanara	15
North Malabar	9
South Malabar	4
Coimbatore and the Nilgiris.	7

" (b) The attention of the hon. Member is invited to clauses (a) and (b) of Fundamental Rule 56. It is to be observed that non-gazetted officers in the superior service include many ministerial officers to whom rule 56 (b) applies.

" This Government's policy generally is to refuse extensions.

" (c) It is not a fact."

Report of the Director of Public Health and measures proposed for organizing maternity service and other public health amenities.

* 88 *Q.*—MR. J. A. SALDANHA : Will the Hon. the Minister for Public Health be pleased to refer to the remarks in the report of the Director of Public Health, Madras, for 1936, on pages 9, 10, 17, 21, 26 and 27, and to state what measures have been adopted and are going to be adopted in rural areas—

(a) for a well-organized maternity service to steer women safely through the ante-natal, intra-natal and post-natal periods;

(b) for providing the villages affected by fluorine poisoning with fluorine-free water;

(c) for expansion of anti-leprosy work by opening more clinics by Government and local bodies or by private institutions with Government aid;

(d) for health propaganda by rousing a sanitary conscience among the masses; and

(e) for the prevention of food adulteration by new rules and provision in law (by amendment, if necessary) for deterrent penalties?

THE HON. DR. T. S. S. RAJAN:—" (a) The policy of Government in regard to maternity service in rural areas is to form a regular service under the district boards. The scheme is administered by the district boards with the district health officer in general charge and a woman medical officer who functions as his assistant for the purpose, in direct charge of work. Health visitors and midwives are appointed under the woman medical officer, the former for educational work in the houses and at the clinics and

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the latter for domiciliary midwifery service. The woman medical officer conducts periodical clinics and is responsible for medical advice and treatment wherever necessary. The Government consider that the policy adopted is sound and conducive to progress. The response from district boards has been satisfactory. Further expansion is only a question of finance.

"Wherever such workers are available, the Government also desire to obtain the support of voluntary workers, particularly women. District boards have been advised to appoint suitable women on their Public Health Standing Committee and the district health officers have been advised by the Director of Public Health as to how best the services of voluntary workers may be utilized in their schemes in order to enhance the value of results to be achieved.

"(b) A detailed survey of fluorine infected areas by the Director, King Institute, is under contemplation. Researches are in progress at the institute to devise methods for providing fluoride-free water either by removing fluorides from water by chemicals or by tapping deeper sources free from fluorides. As a trial measure, the sinking of a deep bore-well in Podili of Nellore district at a cost of about Rs. 3,000 has been sanctioned.

"(c) It is not proposed to increase the number of clinics now. Efforts will be directed chiefly to an intensive study of the disease in a few selected places. Further measures will be taken after the results of the study are known.

"(d) There is a large stock of leaflets, posters, magic lanterns, slides, portable cinema equipments and films in the office of the Director of Public Health. The posters and leaflets are sold to local bodies according to their requirements while the lanterns and cinema equipments are lent on hire at a nominal rate fixed by Government. In addition to the above, many of the local bodies have their own propaganda van, cinema sets, magic lanterns and slides for carrying on intensive propaganda in rural areas.

"In order to arouse the sanitary conscience of the people and to make them take a live interest in public health matters, the formation of voluntary health organizations is being encouraged.

"Large congregations of pilgrims at fairs and festivals are taken advantage of for organizing and conducting intensive propaganda work by means of exhibitions, cinema shows, lantern lectures, etc.

"Weekly bulletins on public health conditions in the Presidency are regularly published in all the local daily newspapers for the information of the public. The holding of health and baby weeks is another means for intensive health propaganda. Attempts are being made during these weeks to focus public opinion on problems of health in relation to the well-being of the community.

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Moreover health education is one of the important activities of health staff and it is going on steadily from day to day all through the year.

" (e) A pamphlet explaining the scope of the Prevention of Adulteration Act and the necessity of extending the Act to all local areas has been issued for general information."

MR. J. A. SALDANHA :—" I am thankful to the Hon. Minister for the very comprehensive description of policy. . ."

MR. PRESIDENT :—" No speeches. The hon. Member will put a definite question."

MR. J. A. SALDANHA :—" I want to know, Sir, whether the pamphlets referred to in the answer will be made available to the Members? "

THE HON. DR. T. S. S. RAJAN :—" They are stocked in the office of the Director of Public Health and are available at a small cost. They can be supplied to whoever that wants them. If the hon. Member wants to have them, I shall certainly get them from the office of the Director of Public Health at the cost for which they are being sold."

MR. PRESIDENT :—" The hon. Member must be in his place when he has sent so many questions and notice has already been received by him as to which of his questions will be answered."

MR. J. A. SALDANHA :—" I have been here since 9 o'clock; but the clock I was guided by in the lounge room was ten minutes slow."

Prosecutions under the Madras Prohibition Act and proposals, if any, for extending it to other districts.

* 89 *Q.*—MR. J. A. SALDANHA : Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(*a*) what the number of prosecutions which have been instituted under the Prohibition Act is and under what section, and with what results;

(*b*) what co-operation has been extended from local bodies and the Coffee-Cess Committee, the Tea Propaganda Committee, and other voluntary bodies; and

(*c*) to which other district or districts Government contemplate extending the Prohibition Act from 1st of April 1938?

THE HON. MR. V. I. MUNISWAMI PILLAI :—" (*a*) & (*b*) A copy [a] of the letter from the Collector of Salem, L. Dis. No. 1350/38, dated 9th March 1938, is laid on the table.

" (*c*) Chittoor and Cuddapah from 1st October 1938 as at present advised."

[a] Printed as Appendix I on page 609 infra.

Ingredients and effects of various kinds of toddy, coffee and tea and the results of coffee and tea propaganda in Salem since the introduction of prohibition.

* 90 *Q.*—Mr. J. A. SALDANHA: Will the Hon. the Minister for Public Health be pleased to place before the House a statement showing the ingredients of the various kinds of toddy, fermented and sweet, of coffee and tea, and the nutritive and poisonous or indifferent effects of each when taken in moderate quantity on the health of the drinkers and to state the results of the coffee and tea propaganda in Salem since the prohibition?

The Hon. Dr. T. S. S. RAJAN:—" Fermented toddy is a kind of wine and its alcohol content is usually twice that of light beer. The average spirit content of the different kinds of fermented toddy is as shown below:—

Coconut toddy	14·3 per cent.
Palmyra	9·2 ,,
Date	8·6 ,,
Sago	10·4 ,,

" In addition it contains small quantities of yeast vitamins and some sugar. Taken in very moderate quantity fermented toddy may not affect the health of the drinkers adversely. The sugar and vitamin content of the toddy may be of some nutritive value but more than countervailed by the evil effects of alcohol. These vitamins can be obtained in many other ways.

" In sweet toddy, the fermentation of saccharine substance is prevented. Fresh sweet toddy contains no alcohol. It has no deleterious effects.

" Both coffee and tea contain caffeine. Both are diuretics. Caffeine has, in addition, a stimulant effect. It may be said that in moderate quantities neither coffee nor tea has deleterious effects.

" As regards the tea and coffee propaganda in Salem, the attention of the hon. Member is invited to the answer to clause (*b*) of starred question No. 118."

Mr. J. A. SALDANHA:—" Sweet toddy is obtained by lining the pot with a coat of lime and the toddy obtained is not considered to be potable by many people. That is the impression of the people; they even think that it is dangerous."

Mr. PRESIDENT:—" The hon. Member will put a definite supplementary question instead of giving information to the Government."

Mr. J. A. SALDANHA:—" The question is this. Are the Government aware that the sweet toddy obtained by the process I have already described is considered by the people to be of no use and even to be positively dangerous? "

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THE HON. DR. T. S. S. RAJAN:—"The Government are only aware that the sweet toddy is very much liked and is very much in demand and there is absolutely no deleterious thing in the sweet toddy the people are now having."

MR. J. A. SALDANHA:—"I know that sweet toddy is used for making jaggery; I want to know whether it is used for drinking purposes."

THE HON. DR. T. S. S. RAJAN:—"Sweet toddy is meant for drinking purposes."

MR. J. A. SALDANHA:—"May I know whether sweet toddy is drunk by men or women?"

THE HON. DR. T. S. S. RAJAN:—"Even children drink it; both women and children drink it."

MR. J. A. SALDANHA:—"May I ask whether men use it?"

THE HON. DR. T. S. S. RAJAN:—"Men also take it." (Laughter.)

Removal of green leaves, etc., from reserved forests of South Kanara.

* 91 Q.—MR. J. A. SALDANHA: With reference to the answer given on 31st August 1937 to my starred question No. 16, will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(*a*) if Government have enquired into the question as to whether the removal of green leaves and twigs of trees and shrubs from reserved forests in South Kanara was an ancient right or privilege of the cultivators in the neighbourhood of such forests?

(*b*) if so, what the decision of the Government is;

(*c*) with reference to the debates in the Madras Legislative Council on 19th March 1924 (L.C.P. Vol. XVII, pages 730 et seq) and the speech by Mr. Tireman, the then Chief Conservator of Forests, during the debate, what the decision of Government was as to the linking of the panchayat system with the privilege in question and on what condition the privilege of taking green leaves, etc., was granted then;

(*d*) whether that condition has been broken;

(*e*) for what kind of produce—for fuel timber or valuable industrial trees like sandalwood—were the forests of Hosabettee and Todar and other neighbouring forests originally reserved; and

(*f*) for what purposes are they reserved and maintained at present?

THE HON. MR. V. I. MUNISWAMI PILLAI:—"(*a*) & (*b*) Yes. It is not an ancient right or privilege.

"(*c*) & (*d*) The question is not understood. If it refers to the privileges of removing green manure leaves, dry leaves and dead wood, these concessions were granted from 1922 subject to the

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condition that the concessions would be withdrawn if abused or if the forests in which they were granted were burnt. In spite of the repeated warnings these concessions were greatly abused and consequently they were ordered to be withdrawn after due notice. However in response to several representations made, the Government have again ordered that the concession to remove dry leaf and dry wood should be restored subject to certain conditions. The above concessions have nothing to do with Panchayats.

" In 1922–23 some Forest Village System Panchayats were constituted under which 50 per cent of the grazing revenue were refunded to the Panchayat provided the forests were protected against fire and theft. Owing to abuse of the concession, wholesale illicit fellings and the disinclination on the part of the panchayatdars to renew the annual agreements, most of the village panchayats have ceased to function. There was only one panchayat working during 1936–37.

" (e) & (f) The Government are awaiting information called for from the Chief Conservator of Forests."

MR. J. A. SALDANHA :—" May I enquire whether the Hon. Minister has read the Indian Law Reports Volume and whether after reading it, he has arrived at the conclusion that the privilege of taking green manure leaves was not existing in the country before 1922? Was not that system prevailing at the time when the ruling was given by the Madras High Court? "

THE HON. MR. V. I. MUNISWAMI PILLAI :—" As I have already stated, it is not an ancient right or privilege."

MR. J. A. SALDANHA :—" May I know if the Hon. Minister arrived at that conclusion, after reading the High Court ruling? "

THE HON. MR. V. I. MUNISWAMI PILLAI :—" After reading it, we have come to this conclusion."

Major and minor tanks in Anantapur district.

* 92 *Q.*—MR. M. NARAYANA RAO: Will the Hon. the Minister for Public Works be pleased to state—

(a) how many tanks major and minor are there in the Anantapur district;

(b) what the amount spent per year is for improving these tanks since 1930 talukwar;

(c) how many of these tanks are abandoned, if so, why? and

(d) whether there are any proposals before the Government to take up any irrigation scheme in the coming years for the Anantapur district?

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THE HON. MR. YAKUB HASAN:—"(a) One hundred and six tanks in charge of Public Works Department; two thousand six hundred and seventeen tanks in charge of Revenue Department.

"(b) to (c) Information is not available and has been called for.

"(d) The Pennar Kumudavathi scheme is receiving the attention of Government."

Suggestion alleged to be made by the Surgeon-General for closing Tiruppundi Rural Dispensary in East Tanjore District Board area.

* 93 Q.—RAO BAHADUR N. R. SAMIAPPA MUDALIYAR: Will the Hon. the Minister for Public Health be pleased to state—

(a) whether it is a fact that the Surgeon-General had repeatedly suggested to close the Tiruppundi Rural Dispensary (East Tanjore District Board area);

(b) if so, on how many occasions; what action has been taken by the East Tanjore District Board to give effect to that recommendation;

(c) whether there is a rural dispensary at Velanganni;

(d) if so, what the distance is between Velanganni and Tiruppundi;

(e) what the distance is between Kilayur and Tiruturaipundi and Tiruppundi and Tiruturaipundi; and

(f) whether the Surgeon-General or the District Medical Officer ever suggested the closing of Kilayur dispensary for any reason whatsoever?

THE HON. DR. T. S. S. RAJAN:—"(a) & (b) In 1933, on the Surgeon-General's recommendation, the Government ordered the closure of the rural dispensary at Tiruppundi on account of its low attendance. Subsequently, on investigation it was found that attendance had increased and the Government accordingly ordered the retention of the dispensary. In 1935, the Surgeon-General again recommended the closure of the dispensary at Tiruppundi and the transfer of its provision to Sembiamahadevi as the attendance at the rural dispensary was lower than that in any other rural dispensary in the taluk. On a representation from the East Tanjore District Board, the Surgeon-General recommended the continuance of the dispensary for one year. Accordingly, in 1936, the Government ordered the retention of the dispensary for one more year. A report about the continuance or otherwise of the dispensary is awaited.

"(c) The answer is in the affirmative.

"(d) The distance is four miles.

"(e) The information is not available, but has been called for.

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"(f) The Surgeon-General never suggested the closure of the rural dispensary at Kilayur. It is not known whether the District Medical Officer had ever suggested the closure of the rural dispensary or not."

Depots opened by Government in connexion with agricultural improvements.

* 94 Q.—MR. J. A. SALDANHA: With reference to the observations on the subject of persuasion and propaganda in regard to improved strains of paddy and other important seeds and agricultural improvements in G.O. No. 2391, dated 25th October 1937—*Agriculture*—Administration Report for 1936–37, will the Hon. the Minister for Agriculture and Rural Development be pleased to place before the House a statement of permanent depots where such strains of seeds and agricultural implements are stocked, the staff employed for popularizing them, and the various methods employed for advertising them?

THE HON. MR. V. I. MUNISWAMI PILLAI:—"A statement [a] is laid on the table of the House (Annexure I).

"Each depot is in charge of a store clerk who works under the control of the Agricultural demonstrator. The depot is attached to the Agricultural Demonstrator's office. Whenever the demonstrator and his maistri and messenger are at headquarters they attend the depot and assist the store-keeper in running the depot.

"The methods employed to advertize the seeds and implements are described in Annexure II [a]."

MR. J. A. SALDANHA:—"May I know whether the store-keeper has got powers to give seeds whenever anybody wants them?"

THE HON. MR. V. I. MUNISWAMI PILLAI:—"Yes, Sir."

MR. J. A. SALDANHA:—"May I know whether the store-keeper is intelligent enough to understand and to do the work?"

THE HON. MR. V. I. MUNISWAMI PILLAI:—"I have already answered the question."

MR. J. A. SALDANHA:—"May I know whether he is educationally fit to deal with the public in this matter?"

THE HON. MR. V. I. MUNISWAMI PILLAI:—"Yes, Sir; he is educationally fit to attend to the customers."

Rent fetched by the buildings connected with the Guindy Government House.

* 95 Q.—MR. J. A. SALDANHA: Will the Hon. the Minister for Public Works be pleased to place before the House a statement of the buildings connected with the Guindy Government House, which are fit

[a] Printed as Appendix II on page 613 infra.

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for residential purposes with the rents they have been let for in the year 1937–38 and the cost of their maintenance?

THE HON. MR. YAKUB HASAN :—" The information is furnished below :—

Buildings.	Rent for which let out.	Cost of annual maintenance. 1936–37. (Actuals).	1937–38. (Probable).
	RS. per mensem.	RS.	RS.
Bungalow of the Military Secretary to His Excellancy the Governor.	272	199	40
'Polo Vista'	54	116	96
'Assistant Surgeon's quarters' ..	29	33	150 "

MR. J. A. SALDANHA :—" May I know whether there are any buildings other than those mentioned in the answer, which are let out and which give some rent to the Government? "

THE HON. MR. YAKUB HASAN :—" The question was with reference to the buildings connected with the Guindy Government House which are fit for residential purposes and the rents at which they have been let out. I have given the required information."

Inconvenience caused to the litigant public of the villages within the jurisdiction of Chittoor and Tirupati Munsif's Courts.

* 96 Q.—RAO BAHADUR M. RAMAKRISHNA REDDI : Will the Hon. the Minister for Courts and Prisons be pleased to state—

(a) the names of taluks in Chittoor district that fall under the jurisdiction of Chittoor and Tirupati Munsif's Courts;

(b) the respective distances of such villages in Chandragiri taluk as fall under the jurisdiction of Chittoor Munsif's Court;

(c) whether it is a fact that some of the villages about two miles from the Tirupati Munsif's Court fall under the jurisdiction of Chittoor Munsif's Court about forty miles away;

(d) whether representation from any person or body has been received by the Government to transfer the jurisdiction of such villages in Chandragiri taluk near Tirupati from the Chittoor to the Tirupati Munsif's Court; if so, what action has been taken thereon;

(e) what the principle underlying the distribution of jurisdictions is;

(f) whether the convenience of the litigant public forms a ground for the fixing of jurisdiction; and

(g) whether the Government have decided to abolish the Munsif's Court at Madanapalle?

THE HON. MR. K. RAMAN MENON :—" (a), (b) & (c) The information is not available, but has been called for.

"(*d*) The answer is in the negative.

"(*e*) & (*f*) The convenience of the litigant public forms the main ground for the fixing of jurisdiction.

"(*g*) The question is under consideration."

RAO BAHADUR M. RAMAKRISHNA REDDI:—"May I know whether the Government will be pleased to include the villages in the Chandragiri firka, some of which are two or three miles from Tirupati, under the jurisdiction of the Tirupati District Munsif's Court, instead of going to the Chittoor District Munsif's Court, which is 40 miles away?"

THE HON. MR. K. RAMAN MENON:—"If the information given by the hon. Member is correct and if there is no administrative difficulty, the question will be considered and acted upon."

Prevention of cruelty to animals.

* 97 *Q.*—RAO BAHADUR M. RAMAKRISHNA REDDI: Will the Hon. the Minister for Courts and Prisons be pleased to state whether the Government propose to bring in legislation at an early date to put an end to cruelty to dumb animals in religious ceremonies such as "jatras"?

THE HON. MR. K. RAMAN MENON:—"The answer is in the negative."

RAO BAHADUR M. RAMAKRISHNA REDDI:—"Will the Hon. Minister be pleased to see that animals are not tortured in the name of religious ceremonies, as it is against *ahimsa*?"

THE HON. MR. K. RAMAN MENON:—"From the fact that there might be a few such cases, the Government are not prepared to take up the question on the ground whether it is *himsa* or *ahimsa*."

Educational institutions proposed to be closed as uneconomic.

* 98 *Q.*—RAO BAHADUR M. RAMAKRISHNA REDDI: Will the Hon. the Minister for Education and Legal Departments be pleased to state—

(*a*) whether a report has been called for from the Director of Public Instruction regarding the number and names of educational institutions, viz., elementary, middle and high schools proposed to be closed as uneconomic;

(*b*) whether any such report has been received and the orders passed thereon;

(*c*) whether Government have consulted the opinion of local boards in this respect:

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(*d*) whether such opinion is in consonance with the orders of Government; and

(*e*) what is proposed to be done with the staff that will be thrown out of employment by such closure?

THE HON. DR. P. SUBBARAYAN:—" (*a*) to (*c*) No report has been called for in respect of elementary schools or of secondary schools other than those managed by district boards. In regard to district board secondary schools, the hon. Member is referred to—

" (i) G.O. No. 2796 [a], Education, dated the 24th November 1937 (copy placed on the table); and

" (ii) the Press Communiqué of the 5th March 1938. The question relating to District Board Secondary schools is still under investigation by the Director of Public Instruction; the Government are not in a position to give the particulars desired in respect of them pending receipt of the Director's report."

Oriental Manuscript Library and provision made for the upkeep of the books therein.

* 99 *Q.*—MR. SYED ABDUL WAHAB BUKHARI: Will the Hon. the Minister for Education and Legal Departments be pleased to state—

(*a*) the number of books in Sanskrit, Tamil, Malayalam in the Oriental Manuscript Library and the staff employed, both for their upkeep as well as for re-writing the moth-eaten books;

(*b*) the number of books in Arabic, Persian and Urdu and staff employed for their upkeep and re-writing;

(*c*) whether it is a fact that in the present staff there is none who knows Arabic, Persian or Urdu and therefore it is unable to cope with the requirements of this section of the institution; and

(*d*) if the answer to (*c*) is in the affirmative, what are the steps which the Government contemplate to remedy this long felt need?

THE HON. DR. P. SUBBARAYAN:—" (*a*) to (*c*) The Government have no information: they have called for it.

" (*d*) In view of the answer to clauses (*a*) to (*c*), this clause does not require a separate answer."

DR. C. RAMALINGA REDDI:—" With reference to answer (*a*), may I ask whether the Hon. Minister will call for figures with regard to Telugu books which have been omitted in the question? "

THE HON. DR. P. SUBBARAYAN:—" Yes, Sir; the question does not refer to Telugu books; I shall call for the figures."

[a] Printed as Appendix III on page 616 infra.

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Amalgamation of bifurcated district boards.

* 100 *Q*.—RAO BAHADUR N. R. SAMIAPPA MUDALIYAR: With reference to his answer to my starred question No. 31 given on 31st January 1938, will the Hon. the Minister for Local Administration be pleased to state whether the Government have since come to any conclusion as to the principle they propose to adopt in ordering the amalgamation of bifurcated district boards; and if so, what?

THE HON. MR. B. GOPALA REDDI:—" The attention of the hon. Member is invited to the Press Communiqué, dated the 3rd February 1938, issued on the question of amalgamation of district boards. The district boards in the revenue districts of North Arcot and Vizagapatam have since been amalgamated. Government propose to examine the cases of the remaining bifurcated district boards and to decide them on their merits, keeping in view the general principle that there should ordinarily be one district board for each revenue district."

MR. P. PEDDI RAJU:—" May I know whether there is an idea to amalgamate the West Godavari District Board, now that the new elections are coming? "

THE HON. MR. B. GOPALA REDDI:—" The question of West Godavari also will be considered."

RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—" May I ask whether the Government will issue orders of amalgamation before the elections or after the elections? "

THE HON. MR. B. GOPALA REDDI:—" It will certainly be long before the elections."

Cottage Industries Schools in the Presidency.

* 101 *Q*.—MR. J. A. SALDANHA: Will the Hon. the Minister for Agriculture and Rural Development be pleased to place before the House a statement showing the several cottage industries schools established by Government or maintained by private agencies unaided or aided by Government, in this Presidency for training young men and women in vegetable and fruit growing, poultry, village milk supply, spinning and weaving, bees-breeding and producing honey and so on, and marketing the produce of such industries and to state what steps Government have decided to take for establishing such schools?

THE HON. MR. V. I. MUNISWAMI PILLAI:—" The attention of the hon. Member is invited to Appendix IV at pages 94–97 of the Report of the Department of Industries, Madras, for the year ending 31st March 1937 which furnishes the names of various recognized industrial schools maintained by private agencies and the subjects taught in each but these schools do not train students in marketing the produce. The report has been placed at the

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disposal of the press. There is a Government school teaching 'Weaving' and there are no proposals at present to establish schools to teach the other subjects.

"It may however be mentioned that at a few agricultural stations short courses in some subjects of practical agriculture, such as dairying, bee-keeping, horticulture, are taught free of any fee. The Government propose to establish in the course of next year a demonstration centre for teaching bee-keeping in the Chittoor district."

MR. J. A. SALDANHA:—"May I enquire whether it is not possible to have such a school for teaching bee-keeping on the West Coast next year?"

THE HON. MR. V. I. MUNISWAMI PILLAI:—"If there are facilities for it, certainly it will be considered."

MR. J. A. SALDANHA:—"On account of a mistake of the clock in the lounge room here, I could not be here in time; I request I may be permitted to put supplementary questions on the previous questions."

MR. PRESIDENT:—"Those questions have already been answered."

UNSTARRED QUESTIONS

Coffee and tea plantations in the Presidency.

46 Q.—MR. J. A. SALDANHA: Will the Hon. the Minister for Agriculture and Rural Development be pleased to place before the House a statement showing—

(1) the areas respectively of coffee and tea plantations in this Presidency;

(2) the number of European and Indian owners of such plantations;

(3) the coffee and tea crops in 1934–35, 1935–36, 1936–37 from the estates in this Presidency;

(4) the average level of prices during those years; and

(5) the number of labourers respectively employed in the plantations in the several years and to state—

(a) whether the Government have noticed the pushing of tea and coffee drinking in prohibition areas, and

(b) if so, by what agencies and with what results as substitutes for toddy and other liquor?

A.—(1) According to the latest figures available, the area under coffee is 43,569 acres and that under tea 77,718 acres.

(2)—

	Coffee plantation.	Tea plantation.
Number of Indian owners	2,595	1,062
Number of European owners	139	197

(3)—

	Coffee (bushels).		Tea. lb.
1934-35	340,009	1934	29,342,014
1935-36	632,279	1935	31,519,319
1936-37	345,057	1936	32,676,092

(4) Prices of tea are available for 1935-36 and 1936-37 only. These were nine annas and nine annas three pies per pound in retail. Price of coffee ruling in Mangalore alone is available and it was Rs. 44, Rs. 31 and Rs. 37-7-0 per cwt. during the three years 1934-35 to 1936-37.

(5) Average daily labour employed in tea and coffee plantations is as follows:—

	Tea plantations.		Coffee plantations.
1934	69,679	1934-35 ..	25,747
1935	69,709	1935-36 ..	31,655
1936	65,189	1936-37 ..	28,540

(*a*) & (*b*) The attention of the hon. Member is invited to the answer to clause (*b*) of question No. 89 (starred) answered to-day.

Substitution of wooden poles for steel poles for transmission of electricity.

47 *Q.*—Mr. J. A. SALDANHA: Will the Hon. the Minister for Public Works be pleased to state—

(*a*) whether wooden-poles have been proposed for transmission of electricity instead of steel poles;

(*b*) if so, whether the scheme has been sanctioned by Government; and

(*c*) whether South Kanara Government reserved or unreserved forests will be utilized for supplying a part of the wooden poles required?

A.—(*a*), (*b*) & (*c*) The Chief Conservator of Forests has been asked to investigate the feasibility of the use of treated wooden poles for overhead electric construction, in consultation with the Chief Engineer for Electricity. His report is awaited.

[*Note.*—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

II.—SUPPLEMENTARY STATEMENTS OF EXPENDITURE FOR 1937-38.

10 a.m. * Mr. PRESIDENT:—"The House will now proceed with the general discussion on the supplementary statements of expenditure."

* The Hon. Mr. C. RAJAGOPALACHARIAR:—"Sir, I rise just to tell the House that these estimates are presented under section 81 of the Government of India Act and hon. Members have the right to

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deal with these estimates just as they dealt with the general estimates for the year 1938–39. Unfortunately this House does not vote and there will only be a general discussion on these supplementary demands. They may be divided into two main divisions: one set of demands dealing with increased expenditure that had to be incurred and the other set consisting of comparatively few cases where a new service had to be rendered which had not been expected before and had not been budgeted for. All these have been considered and put forward on very reasonable and necessary grounds and I hope hon. Members will see no objections to the demands now made."

Mr. P. PEDDI RAJU:—" Sir, I do not want to discuss the propriety of the demands, but I want to have some information on certain points. The question that I raised during the discussion of the budget whether the rural water-supply scheme would be extended to all the districts or only to a few districts, was not answered in the final reply of the Hon. the Prime Minister. It seems that the delta districts which have some sort of water . . . ."

* Mr. PRESIDENT:—" In the debate on a supplementary demand, no question of policy can be discussed."

Mr. P. PEDDI RAJU:—" I am not discussing any question of general policy. There is a demand for ten lakhs for rural water-supply and in connexion with that I want to raise the question of the policy of the Government with regard to that particular purpose. In certain delta districts there is not much of water to drink. Perhaps the Government are under the impression that these delta districts do not require any special provision for drinking water. In the East Godavari district more than half the area is upland and a large portion of it is in the agency. In the West Godavari district also half the area is dry and there is not much water to drink. The economic councils which are now defunct recommended that a large number of wells should be sunk in these areas. I understand that no grant has been made for this district in the current year and that grants will be made in future years. Recently I know that the people in our district have asked that our district should not be neglected and that the upland portions of our district should be provided with water sources. Sir, the idea of the water-supply scheme seems to be to give pure drinking water to the people. The tanks in the delta are not properly maintained and repaired and the water that is ordinarily drunk is impure water. The local bodies have not improved the fresh water tanks in the villages. So far as I know the officers of our district are unanimously of opinion that some money should be spent in the delta districts also for this purpose. I want to have some reply from the hon. the Leader of the House with reference to the policy of the Government on the point I have raised."

* Mr. T. A. RAMALINGAM CHETTIYAR:—" Sir, I also want to bring to the notice of the Government certain difficulties with regard to the way in which this water-supply scheme is worked out in the

mufassal. The Government have recently announced that in all cases in which money is provided from this grant, there should be a system of pumping water from wells into tanks and the provision of taps for each well. That, I should like to submit, will be an impossibility in many cases. Where for instance there are markets or festivals, an arrangement like that can be made and it will be necessary also. But in ordinary cases, if they are going to provide taps and pumps it will be a very costly affair and if we are going to wait until money is available for this costly programme of pumps and taps in every village, I fear it will be very long indeed before all the villages are supplied with drinking water. So I would request the Hon. Minister to make a distinction between those places where he can provide wells with taps and pumps and all that and other places where all this paraphernalia is not necessary, but ordinary wells may be enough. It is only in that way that we will be able to reach a larger number of villages. I was induced to make this remark because at the last meeting of the new council which has replaced the old economic council, I was told by the Collector that he was not sure whether he could sanction ordinary wells without taps and pumps as he used to do before and whether he was not bound to confine his grants to wells with pumps and taps. So I request the Hon. Minister to make it clear to the Collectors and the councils that they will have to make a distinction between villages and places where a large number of people congregate at one time and where pumps and taps are necessary and other places where ordinary wells would be quite enough.

"Secondly, Sir, there seems to be another condition attached to the grant, namely, that one-third of the estimated cost will have to be found by the villagers themselves. It is not every village that can find this money. Especially in the poorer villages where Harijans and backward class people live, it will not be possible to get this one-third. I made a suggestion that where necessary the district boards might contribute this one-third. The district board presidents are considering the matter. But the question is whether it will be wise for the Government to depend on the district board finding the one-third and whether they will not be frustrating the very object of the rural water-supply scheme by this matter of policy. I would therefore ask the Hon. Minister to consider this matter of policy. I suggest that in cases where a special recommendation is made by the Collector or somebody else this contribution of one-third of the cost may be waived. Also, Sir, in view of the failure of the monsoon and the scarcity of drinking water in many places, I will request the Government to ask the Collectors to push on with the scheme. The Government should also ask them to pay more attention to the deepening of the present wells rather than digging new wells. There are a number of 'jubilee wells' with beautiful parapet walls, iron pulleys and other equipment but without any water. On account of the bad season, many other wells also have gone dry. If these wells are deepened until there is a sufficient

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water-supply, we will be doing a great service to the people. I would therefore request the Hon. Minister to give preference to deepening of already existing wells, so that at least those villages where the previous authorities thought that wells were necessary and provided the wells though there was no water in them, may be supplied with water."

* MR. J. A. SALDANHA :—" Mr. President, in regard to this drinking-water supply scheme, there might be an impression in the minds of the Government that South Kanara and Malabar having a large amount of rainfall are not in need of wells. Sir, most of the water that comes down from the heavens goes away to the Arabian Sea. Many complaints have been reaching me that there is a dearth of water-supply in many villages in our district. There was not sufficient rain in the months of October and November and the rain which fell before that had already gone into the sea. I hope that the Government will bear in mind the fact that we require wells in every village in our district. It is true that we have a large number of rivers and they can be utilized for irrigation purposes and for the supply of drinking water, wherever the water is sweet, to the villages which are near the rivers.

" Sir, there is some provision made in these demands for alterations and additions to the Government House at Guindy. This is a very costly luxury and the less is spent on it the better. It is a wonder to me how this Congress Government which is so much bent on making economy has come forward with this grant. This Government House is occasionally used by His Excellency the Governor."

THE HON. DR. T. S. S. RAJAN :—" May I ask whether the hon. Member is in order in discussing the allotments made for the Government House?"

MR. J. A. SALDANHA :—" We have no power to reduce the amount, but we may at least put forth our grievances. We can only 11-
stress our grievances that is the only thing we, in the Upper House, a.
can do. I appeal to the Hon. Leader of the House to have some patience in the matter of hearing grievances from us.

" I cannot understand why there are to be two Government Houses in the Madras City. I believe this being the first place to be conquered, they established two Government Houses here in the style of the old Nabobs of the Moghul times and it has continued. Besides there are a number of bungalows with a large expanse of forest area; it is about three hundred acres and these remind us of the Kings of England. There was a time when the annual income was Rs. 9,500 but even that was found fault with in 1924. It was said that this was too small an income and suggested that the bungalows should be let at sufficiently high rates even to outsiders if they were prepared to take them. I think, Sir, that it is high time that the Congress Government should set its heart on economy and find ways and means for having only one

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Government House. The Government House at Guindy is fairly accommodative. It comprises a vast expanse of land to the extent of 300 acres. There is a small forest with plenty of deer, wild beasts and it is quite enough for sporting and other purposes. With all that I do not know why, when there are so many facilities for locomotion in these days, His Excellency the Governor should not shift permanently to the Government House at Guindy. The other Government House in the middle of the town may be placed at the disposal of the civil departments of Government, more especially for the Council and Assembly halls. There will be great economy introduced.

"As regards cinchona plantations, I strongly support this grant. But as with Members of the Opposition we want more. We want the Government to spend much more upon extensions of cinchona plantations. I am sure that my appeal will not be falling on deaf ears. We have the Minister for Agriculture who has been long a resident of the Nilgiris and he has a perfect understanding of the importance of it. As for the Hon. the Leader of the House, I need not tell him how important it is for he as a medical man knows its importance and he may be depended upon to see that this country is put on a basis of self-sufficiency in this matter. He has fought with great ability in the Imperial Assembly and from a man of his calibre, we expect very vigorous action. I should congratulate both the Ministers on their having placed at the disposal of the public Rs. 45,000 worth of quinine as against Rs. 25,000 last year. I find from the audit report in respect of Anamalai plantation which was started in the year 1925, that it has come to 10 or 11 lakhs of rupees and the other plantation at Naduvattam has come to about 4 or 5 lakhs of rupees and the income from the latter is very large and I see from the report of the department that they have very great hopes about Anamalais plantation also. So far as we are concerned what I think is that it ought to be made to yield more. I appeal to the Government to do their best and improve the output from these plantations even if they come up against vested interests. There are the Java interests which will be affected by our becoming self-sufficient. But what I would request the Minister is that we should see that we are self-sufficient not only for ourselves but for the whole of India. I have no doubts about that and now that the Congress is in power I am sure that they will supply the needs of the people in this direction for which they have been for so long so solicitous. I congratulate the Ministers and stress my appreciation of the interest that they have been taking.

"I would like to ask the attention of the House to the fact that the Government are going to give a sum of nearly one lakh and a half in connexion with the printing in the High Court and for other administrative purposes. It at once strikes me how improperly we are treated in the matter of published copies being made avaliable to us. The proceedings of the 2nd February is only available to us just now. While that is so . . ."

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* Mr. PRESIDENT :—" What the hon. Member is submitting to the House is not relevant to the demands before the House."

Mr. J. A. SALDANHA :—" I am only pointing it out with a view to show that such delays ought to be avoided.

" But, then it is stated that the High Court building requirements are a statutory obligation and therefore, have to be provided for. Sir, while Government are very willing and only too ready to meet those obligations, they have not been so ready with taking up the construction of some minor structure in the Presidency College. I happened to pass that side this morning and I was really shocked to see a tower without a dome and it reminded me of the decapitated body with only the trunk. The clock which was there has been removed and has been consigned to the lumber room. It was, I learn, constructed by the students of the college and it would be a fit object of display to show to the others the enterprise of our young people. After all it would only cost about a few thousand rupees and for want of it, it has been consigned to the lumber room. I do not think that the Congress has abdicated its love for art. I do not want money to be spent for luxurious art You may not like to spend money on art but you should prevent an inartistic thing being shown about exposing this eyesore for public gaze. The necessity for that clock is felt and it is a thing the Government should take up very early."

* Mr. PRESIDENT :—" The hon. Member will finish his observations soon. The Council has to rise at 1 p.m. and I would request him to be very brief."

Mr. J. A. SALDANHA :—" I am done, Sir. I only want to congratulate the Ministers for the promptitude with which they have taken up certain matters, especially cinchona; but I would like them to allot more for it."

Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur :—" I would suggest, Sir, that to-day being Friday, we may rise at one o'clock."

* Mr. PRESIDENT :—" Everything depends on the Members."

* Rao Bahadur N. R. SAMIAPPA MUDALIYAR :—" Mr. President, I wish to bring to the notice of Government another kind of difficulty with regard to water-supply. The hon. Member from Coimbatore brought to the notice of the House one kind of difficulty and I like to urge on their attention another kind of difficulty. There are many villages where you can get plenty of water but the water will be brackish, even more brackish than the sea water. Therefore, something

should be devised for the supply of pure drinking water for such villages. In the speech of the Hon. the Premier introducing the budget he stated that we shall be having the benefit of pure water-supply

'in the form of either a protected well with a pulley, if not with overhead tank and taps or a bore-well with hand-pump attached, or a connexion from an existing municipal water main for villages through or near which such a main might happen to pass.'

"I would also suggest that water sources if they are available within two or three miles of the villages may be connected to the villages by pipes. The villagers may also be willing to pay a small donation towards that. I think this source of supply will not be ruled out. I hope that instructions will be given to the Collectors to consider such kind of water-supply also.

"My hon. Friend referred to the question of contribution from the villages or the district boards. But, I find from the speech of the Hon. Premier that he has stated that these schemes should be financed from the Provincial Fund without insisting on any contribution from villages or the district boards. These instructions ought to have been communicated to the District Collectors so that they may not insist upon contributions. Of course, they can get any voluntary contributions from philanthropic gentlemen. If, however, the cost is very prohibitive some kind of contribution may be demanded, but then the amount demanded should be within the capacity of the villagers to pay. Collectors may be informed not to insist on a contribution as condition precedent for taking up a scheme for investigation. From my own experience with regard to the working of the Economic Councils, I think that unless definite instructions with regard to the agency by whom the plans and estimates should be prepared are given, all these proposals will be only on paper and the works will not be executed in time.

"I know, Sir, in my district, that a number of proposals have been sanctioned by the District Economic Council, and yet no work has been started in the village, though the villagers are willing to contribute their quota or donation; the difficulty is due to this; the Council expects the District Board staff to prepare the estimates and plans; we all know that the District Board staff will give preference only to the works of the district board and that too if the member or president is interested in it. The Economic Council's works are shelved. I would therefore suggest to the Government either to have a separate staff for this work or leave it to the Public Works Department with additional staff, if necessary and to fix a time-limit for the preparation of plan and estimate after the estimate is called for. I take it that the Collector has to spend the amount and not any other agency.

"I would like to refer to Grant No. IX. In the explanatory note an analogy has been drawn about the Deputy Secretary and a former Secretary of the Legislative Council having been sent to England. I think that analogy does not hold good in this matter, because the experience and the services of the Secretary and the Deputy Secretary

will be available whoever occupies the Chair; but the services of a non-official Speaker will be available only as long as he chooses to be in that position or as long as the party to which he belongs occupies the Treasury Benches. That being the case, I think any expenditure on this item is not one of necessary expenditure. In this connexion it is stated that a servant also is accompanying him. I think it is a superfluous affair and a costly luxury. I hope that this matter will be considered by the authorities concerned."

* RAO BAHADUR M. RAMAKRISHNA REDDI:—" Mr. President, Sir, I take this opportunity of placing before the Government, particularly before the Minister for Agriculture, the fact that my district, Chittoor, is not getting any substantial help from the Veterinary department. It is stated that it is proposed to allow some more travelling allowances, etc., to some Veterinary officers. I may inform the Government that Chandragiri division covers more than half the district and there is not even one veterinary hospital either at the headquarters of the Revenue division or at the headquarters of the taluks. We have only one touring officer and he is expected to tour over the whole of the four revenue taluks; if any epidemic is to break out in any village, the village munsif of the village has to report to the Tahsildar; the Tahsildar takes his own time to report this matter to the Revenue Divisional Officer; the information has to be sent to the Veterinary Officer who is camping in the remotest corner of the division and by the time, the Veterinary Officer comes to that particular village, 75 per cent of the cattle succumb, and such is the miserable state of things in my revenue division with regard to veterinary work. The Hon. Minister for Agriculture should look into the matter and give at least one veterinary doctor to each one of the revenue taluks in my district. It is only then the ryots will be able to take necessary help from the veterinary doctor when there is an emergency or when there is an epidemic. We do not have any veterinary hospital for the whole of the Chandragiri division. We have got one at Chittoor, which serves the Chittoor taluk; and there is another one at Madanapalle, which serves that taluk.

" I therefore request the Hon. Minister to have a veterinary hospital for Chandragiri and two or three touring officers to tour in Chandragiri division. This is my request as far as the Veterinary department is concerned.

" With regard to water-supply to rural areas, many hon. Friends have referred to the necessity of serving the poor ryots. I would like to bring to the notice of the Government that there are some villages entirely dependent for drinking water upon spring channels; there are a number of wells in some villages and unfortunately the water happens to be brackish; therefore they are driven to the necessity of going to the spring channel where they get sweet water. There is danger in people getting water from the spring channel as it is open to contamination; as the villagers are entirely dependent upon the water in the spring channels, they get cholera; once at least in a year

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cholera visits every such village. It is, therefore, absolutely necessary to have protected water-supply especially for those villages which are entirely dependent upon the spring channels for water-supply. As a matter of fact, in my district a number of villages are affected by cholera every year. The Hon. Minister had the privilege of visiting some of the villages and he was convinced that the villages had no protected water-supply. I now understand that there are some proposals to give protected water-supply to some villages. I request the Government to give protected water-supply to such villages that are depending upon spring channels for drinking water-supply.

"Again, Sir, the other day under Medical Demand I placed before the Hon. Minister for Public Health the necessity to supply medical chests to the villages. I do not know whether he has considered that question. As a matter of fact, at present the villagers are not able to take advantage of the medical institutions because they are at distant places. Before the Government think of opening rural dispensaries, I think it would be better if they will at least supply medical chests to big villages where educated persons and presidents of local bodies will be able to handle the chests. I would like the Hon. the Minister for Health to consider this question and give us the necessary help as early as possible.

"Again, Sir, as you see in the explanatory note, there is a proposal to allot a sum of Rs. 5,000 to enable the Hon. the Speaker of the Assembly to go to foreign countries to study the Parliamentary Procedure of various countries. We know the history of this province with the various presidents of the Legislative Council. . ."

*MR. PRESIDENT:—"The hon. Member will not be right in speaking anything personal about the Presidents of the Councils."

RAO BAHADUR M. RAMAKRISHNA REDDI:—"There is now a provision here and it may be necessary to provide for such expenditure from time to time; new Councils will come into existence after general elections; naturally there will be necessity on the part of the Government to provide a sum of Rs. 5,000 for the Speaker of the Assembly to visit foreign countries to learn the Parliamentary Procedure of those countries; this would be in the natural course of events and you will have to provide for it almost once in five years. You have now the Secretary who is well-trained in the art and he is at your disposal to let you know what is happening in other countries. I think it is not necessary to provide under this head this sum. I only suggest that this question might be considered by the Hon. the Premier at length, whether there is any real necessity for such a procedure which will have to be followed in future also."

MR. V. GANGA RAJU spoke in Telugu and the following is an English summary of the speech:—"Sir, there were no rains at all in some parts of the West Godavari district and therefore people are suffering very much. The Hon. the Revenue Minister visited the

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place at a time when there were rains. The Hon. Minister for Agriculture also visited some of the places. Now all crops have failed; there is no water at all especially during the summer season. A sum of Rs. 6,000 has been provided by the Economic Council; the Collector has got the amount with him; it is stated that the people of the village should pay a portion for such expenditure. You must give more grants to some villages.

"We are not at liberty to refer to expenditure incurred by His Excellency the Governor, because it is a non-votable item of expenditure. But whenever there is an opportunity, the present National Government, the Congress Government should ask His Excellency the Governor, to consider the general condition of the Presidency. Owing to the climatic conditions of this country, His Excellency the Governor need not spend much money. Our Ministers might request His Excellency to reduce his expenditure."

THE HON. MR. V. I. MUNISWAMI PILLAI :—" Mr. President, Sir, some hon. Members have referred to the contributions made from the Economic Councils' Fund for rural water-supply; they complained that the necessity on the part of the villagers to pay one-third contribution is found to be a hardship. While sanctioning this amount for water-supply to villages, the Imperial Government have clearly laid down the rule that, unless either the villagers concerned or the district board or the panchayat concerned, give one-third of the total cost, the other portion cannot be spent from the Government of India grant. Representations have been made both by the leaders of the Harijan community and the backward communities that this rule must be relaxed. On a reference to the Imperial Government it was found not possible to relax this rule. But I may tell hon. Members that there is no difficulty in using this grant for digging wells or providing tube wells if the villagers come forward with the one-third contribution.

"If the Collectors have not been clearly told about this, instructions will be issued to them so that they may sanction tube wells for water-supply in villages which contribute one-third of the cost.

"My hon. Friend Mr. Ramakrishna Reddi referred to the inadequate service of the Veterinary department in his taluk. In the budget for 1938–39, provision has been made for six touring veterinary surgeons and they will be sent to such of the taluks where there is real need. I may tell my hon. Friend that his taluk will be considered in this connexion. It is not possible for the Government to straightaway open a hospital or dispensary. The Government generally sanction opening of a dispensary where there is a daily attendance of 30 animals per day. If it is either in a municipality or district board area, those local bodies are asked to contribute half the maintenance cost of the hospital or dispensary. I do not know whether there is any municipality in the taluk in which my hon. Friend referred. If there is a municipality and if the municipality comes forward with this contribution, the Government can straightaway take the initial steps to start a dispensary in that area.

[Mr. V. I. Muniswami Pillai] [25th March 1938

"My hon. Friend Mr. Saldanha referred to the question of cinchona plantations. He said that Rs. 11 lakhs were spent on the Anamalai plantations and about Rs. 4½ lakhs on the Naduvattam plantations. At one time, the Government thought of bringing 2,300 acres of land on the Anamalais under cinchona cultivation, but the circumstances did not permit the Government to do so. The die-back disease and the trouble from bisons caused a set-back to the scheme. The Government thought of giving up the scheme of cultivating 2,300 acres in 1931-32. Subsequently a working plan was arranged for the cultivation of 500 acres by instalments of 100 acres every year. This programme is being carried out.

"Of the Rs. 11 lakhs said to have been spent on the Anamalai plantations, the value of the plantations is Rs. 10 lakhs, the building and furniture cost one lakh and the floating assets Rs. 9,000. Out of the Rs. 10 lakhs the working charge on plantations comes to Rs. 7 lakhs and the interest on the borrowed capital comes to Rs. 3,57,583. The Imperial Council of Agricultural Research has already taken up the question of having extensions of cinchona plantations in the whole of India and a special officer has been deputed to investigate this question. He has come here and has gone to the Nilgiris, Coorg and Mysore to find out suitable lands. I think he has already found suitable lands for cinchona plantation on the Nilgiris. The Imperial Council of Agricultural Research will meet again in July when the whole policy of cinchona plantations will be decided. The Provincial Government cannot straightaway proceed with the extension of plantations without knowing what will be the future demand. The Quino Bureau of Java is underselling and has got the world cinchona market under it. So this Government is considering whether it will be advisable to extend the plantations. Recently the Governments of the United Provinces and Central Provinces have asked this Government to supply quinine for their requirements. Though Rs. 11 lakhs have been spent on the Anamalais, it has been possible to reap a harvest of 150,000 pounds of bark during the current year and we expect to reap a harvest of 300,000 lb. of bark next year. This will go a long way to reduce the revenue account of the cinchona plantations. I may tell my hon. Friends that the price of quinine sulphate and cinchona fibrifuge have been reduced to late, so that the poor people may get their quinine requirements cheaply."

* THE HON. MR. C. RAJAGOPALACHARIAR :—" Sir, I will try to say a few words in answer to the points which have been raised. Much attention was directed to the question of water-supply. The fact that under this supplementary demand, the Government desire to set apart a fairly large sum of money from the balances to start a fund for the carrying out of a continued policy of water-supply has been taken advantage of to raise a debate on the particular needs of particular districts with regard to water-supply. There is a mistake which I wish to clear up first. The limitations placed by the Government of

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India with regard to their subsidy for water-supply works in rural areas do not apply to the scheme which this Government has taken up with reference to its funds in this matter. When the Government of India gave a particular sum of money and asked this Government to spend it for rural purposes including water-supply, they were entitled to put down the condition that the local people should contribute so much of the cost. There is no point in our asking that that condition should be relaxed when we ourselves are setting apart a larger sum of money now and taking up a bigger scheme with the same object. If the Government of India insist that the use to which their money should be put should be such as would appeal to the local people and require from them a certain contribution, there is some point in it and we need not discuss it with them. We can only give an assurance to the House that the special difficulties of poorer areas where no contribution can be raised can be met by the liberal expenditure of our own funds without waiting for the relaxation of the condition attached to the Government of India grant. So any difficulty which hon. Members may feel on behalf of their constituencies either in respect of contributions or the particular ways in which the works should be constructed, need not be troubling the minds of hon. Members with reference to the grants for which we are now asking the House.

"Then again, Sir, the particular means I suggested on another occasion with reference to the way in which the purity of the water could be guaranteed are not necessarily final or conclusive or exclusive. For instance, reference to tanks and taps does not mean that we cannot have wells and pulleys. As a matter of fact, in order to guard against this mistake, in my budget speech I had put the proposition in such a way that it would include an ordinary simple well with a pulley as well as a well with tank and taps. Hon. Members need not imagine that there will be any difficulty where fairly pure water can be got by a cheaper kind of work and the work need not be held up on account of the extra cost involved in setting up the tank and the taps. There need not be any apprehension in respect of that matter at all.

"It was pointed out that we might perhaps make a mistake in thinking that delta areas do not need any attention in this respect. Some other hon. Members immediately proceeded to refer to the possible mistake of the West Coast being forgotten or neglected, because there is plenty of rain every year on the West Coast, and people may imagine that there is no difficulty for drinking water there. No such mistake will be committed. I give the assurance and we know very well that there may be water and water all round but there may not be pure water to drink. We know that in the delta areas there will be plenty of stagnant water but there may be absolutely no pure water to drink. On the West Coast there may be plenty of rain but all the water may run straightaway to the sea and no water may be available during the other seasons of the year. All these things will not be forgotten. But hon. Members must co-operate to make a real priority

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list. It will not do for each hon. Member to think that his own constituency must come first in the priority list and make it impossible for the Administrative department to make a real priority list both for the province as a whole and for each district. Much adjustment and compromise and even sacrifice would be necessary. A sense of proportion would be necessary apart from the sense of duty to one's own constituency or district or taluk. Previously, haphazard plans were necessarily taken up because each one pressed his claim and it became a question of grabbing. That is why I insist on a priority list being prepared with some care so that public money may be utilized in a just manner. That is all about water.

"It was remarked by Mr. Gangaraju in Telugu in a very good speech, if he will permit me to say so, and Mr. Saldanha also, in his usual way, that we should not really spend so much money, or agree to spend so much money on Government House repairs and the like. Sir, the hon. Members should go through the explanatory note where the details are given. They will find sufficient explanation in those pages. With reference to the Government House repairs, they are all very old plans and only certain deviations in accounting are set right here so that there may be no objections taken with reference to the expenditure finally undergone. But apart from that, Sir, we cannot get away from this fact. It is true that we do not want all that expenditure. But the obvious objections have been anticipated and the authors of the constitution knew exactly where we would feel strongly and they have provided beforehand very strong provisions against very strong feelings on our part and the strength of the provision seems to be almost in direct proportion to the strength of the objections that we might possibly raise.

2-30 p.m. "So early as in December 1936, they thought that it was not enough to have provided for salaries and have made further provision in regard to repairs to buildings and the like. Possibly, we were perhaps discussing unofficially, 'the salaries are beyond the pale of the vote; but anyway other things will be coming before us to the vote of the House and then we can cut and reduce them wherever we feel they are not necessary.' Perhaps they took notice of such things and have forestalled us by a provision in the Orders-in-Council as early as December 1936 and they have even provided that what has not been spent during one Budget year should not ordinarily lapse as is the case with other items but that it should be carried over to the next year, though it is opposed to the normal budgetery provision rule. Mr. Ganga Raju particularly appealed to me that I should use my influence, that I should use my persuasive powers and that I should get this expenditure reduced, change their habits if not their hearts. It is a very difficult problem but I shall try to do my best, and that is all the assurance that I can give in regard to this matter without promising much of economy as a result of persuasion of people who stand on Orders-in-Council and on sections of the constitution.

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"Regarding the Speaker's trip to England to study parliamentary procedure, two hon. Members referred to the question and questioned the utility of this expenditure. It was suggested that a permanent official of the Legislature office went before and they took no exception to copy that example because the permanent officials would carry the benefit of such foreign study to the permanent advantage of the administration and for a changing Speaker such study may not be of very great utility. The Speakers would change, they said, and this money would be lost. I just wish to put one aspect of the question which, in my humble opinion, they have overlooked. The questions that have to be studied fall into two classes. There is the administration of the Legislature offices, there is the procedure as to what is to be done in various matters and what the normal routine of the office should be in order to expedite the work of the Legislative Department and make the work of the Assembly and the Council easy and contribute to the success of the parliamentary machine. That is one aspect of the matter; and that is the kind of work that the Secretary, the Deputy Secretary, the Assistant Secretary and the heads of the Legislative offices should study. There is another department of study which is outside the study of the administrative officers, namely, the procedure of the House itself. The rulings that have to be given and the conduct of the Assembly can only be understood when it is actually seen how it is working. It will not do if you are merely told to teach mathematics to your boys by going to the board and writing the figures there and working the sum. Such instruction cannot be given by word of mouth. If you want to teach properly, you will have to see how the teacher gets up, goes to the board though with his back to the students but how at the same time keeps an observant eye on his boys and prevents their doing mischief and at the same time gets along with his work on the board. These cannot be taught; they will have to be seen and learnt. Similarly the conduct of Assembly and Councils carrys with it an amount of practical observation which can be best understood only by being seen and it cannot be understood by reading from the books. In fact, I must confess that I have tried to find out the points of order and the rulings from the report of Parliamentary Proceedings of Westminster, from the Hansard, and also with regard to Committees and the like. But the whole jargon is quite different from ours and we are not able to understand what exactly they mean by the language they have employed. This has to be studied. The question is, 'why should the Speaker go? Why not another?' Permanent officials can study these things but they cannot apply these things. It is only the Chairman or the Speaker that can apply these things. Then we are faced with a further question. After all he is only a temporary person whoever the Speaker may be. What is the good of his study? But I want hon. Members to remember that the precedents that we are to build up in the early years of our Assembly are permanent inheritances for the future. Whatever you do in the beginning, becomes a precedent for the future and it will become a practice which will have to be upheld as a convention by those who come behind us,

That is the only way in which the Speaker can learn and understand and leave behind results of his learning and experience. That is why we propose to send an able learner and an able observer to the House of Commons to study Parliamentary working. It may be asked, 'We can build up wholly different traditions and practices and so we need not copy those from which we are to depart. What is the use of your learning a thing to act in another way?' But I submit, Sir, that even to give up one thing and follow another thing a study of one thing is necessary. Suppose I study a system of medicine and later give it up and go in for another system after learning in what essential particulars the first system is wanting. In that case my knowledge will be more complete. Even to give it up and take up to another thing which is an improvement upon it you have to study that thing. So, also, is the case here. In that way your observing the parliamentary procedure will not be waste. Hon. Members should not be under the impression that this is waste or luxury. No one is inclined to waste. There are important principles behind the step that has been proposed to be taken. It has been taken after due consideration. I may take hon. Members into confidence when I say that we had doubts about it also and it was only after mature consideration that we have agreed to this idea being carried out. I have no more to say and I thank hon. Members for the contribution they have made to the debate. It was only a supplementary demand but many fundamental principles have been discussed."

* MR. PRESIDENT:—"The discussion on the Supplementary Statements of Expenditure will now terminate."

III.—STATEMENT RE TRAVELLING ALLOWANCE OF MEMBERS.

* The HON. DR. T. S. S. RAJAN:—"I just want to make the following announcement to the House:—

> "Ordinarily Members that go home after attending the meeting to-day and come back to attend the meeting on the 31st instant will not be entitled to travelling allowance since under the explanation to sub-rule (4) of rule 7 of the Madras Legislature Travelling Allowance Rules, the meeting on the 31st instant is deemed to be a continuous sitting of the meeting that commenced on the 22nd instant, there being not more than seven days interval between the 25th and 31st March 1938. On representation made by certain Members to Government, the Government have, as a special case, decided to permit those Members that go home after attending to-day's meeting and return to Madras to attend the meeting on the 31st instant to draw travelling allowance for the journey. A Government Order is being issued accordingly."

The House then adjourned to meet again on Thursday, the 31st March 1938, at 11 a.m.

APPENDIX I.

[Vide answer to starred question No. 89 asked by Mr. J. A. Saldanha at the meeting of the Legislative Council, held on the 25th March 1938, page 583 supra.]

Letter from the Collector of Salem, L. Dis. No. 1350/38, dated 9th March 1938, placed on the table of the Legislative Council.

[Prohibition—Number of prosecutions under the Act—Co-operation from the local bodies—Report.]

Particulars regarding the number of prosecutions under the several sections of the Madras Prohibition Act and the result of such prosecutions are given in the enclosed statement.

2. *Co-operation extended from the several local bodies and the other voluntary bodies*—(i) *Local Boards.*—The Presidents of the District Boards of Salem and Dharmapuri have issued circulars to all their subordinates including the members of the Educational and Engineering establishments instructing them to organize association in each centre, to deliver lectures on Prohibition and to give diversions to the addicts in the evenings by organizing bhajanas, drama and sports. They have also been instructed to prevent breaches of the provisions of the Act, and to co-operate with the authorities in booking offenders. They have been generally asked to popularize Prohibition by propaganda and persuasion. In the course of his tours, the President, District Board, Salem, is himself carrying on propaganda on behalf of Prohibition. Anti-drink propaganda is being done by the Health staff under the control of the district boards. District board teachers in some villages are organizing counter-attractions to drink and doing propaganda work.

(ii) *The Indian Tea Market Expansion Board* has deputed two parties to work in Salem town—one works in the busy parts of the town and the other is doing free distribution of cups of tea in four ex-toddy shops which it has converted into tea shops. These four shops supply 2,500 to 3,000 cups of tea daily and it is said that about 90 per cent of the ex-drinkers formerly frequenting those shops have now taken to tea. In order to advertise it, tea packets are sold cheaply and they are also distributed free to some people. Besides its activities in Salem town, it sent two advertising vans with cinema outfit to work extensively in Namakkal and Dharmapuri taluks. The Board has also opened some tea shops in Dharmapuri taluk.

(iii) *Indian Coffee Cess Committee* opened an office at Salem in September 1937. It has got a District Organizer and an Inspector and

it is contemplating appointing two more Inspectors. It has a demonstration van with a staff of three men. The Committee has also an Inspector in Hosur in charge of a few experimental shops in that taluk. Besides these, the Committee has appointed a coffee maker in charge of the shop at Adamankotta. Coffee is prepared in the demonstration van and distributed freely in the mornings and in the evenings. The van is now working in Namakkal, Tiruchengode and Rasipur taluks. Coffee stalls have been opened in some villages where formerly none existed. People are encouraged to open stalls by giving monthly subsidies which range from Rs. 5 to Rs. 12 per month, according to the importance of the village. At the end of three months, the question of continuing the subsidy is considered. The coffee shops are also given a set of coffee making materials consisting of a filter, a roaster and a grinder on loan for three months. At the end of the period of three months, the shopkeeper has to pay for them or return them. These are sold to them at concessional rates of less than cost price. In some cases, they are given free. Benches, tables, etc., are also supplied to the shops. The Committee has also advanced capital to start coffee shops, and subsidized some, and some shops are supplied with coffee at concessional rates. They are also encouraged to sell raw coffee at reduced rates. Newspapers are supplied to the shops and they are read out by literates for the benefit of illiterates who go to the shops. The Committee have opened 75 shops in this district so far, each selling about a thousand cups of coffee a month. These coffee and tea shops offer a counter-attraction to the toddy drinking population and some of the drinkers have taken to coffee and tea drinking.

(iv) *Voluntary bodies.*—(*a*) Congress workers have also rendered useful help by holding public meetings in favour of prohibition. The main activities of the Congress bodies have been in the south of the district and have generally been confined to propaganda and dissuasion of former drinkers from visiting the border shops. A party of twelve Congress workers of Komarapalaiyam toured in the taluks of Salem, Omalur, Tiruchengode and Namakkal and addressed meetings in more than a hundred villages. The President, District Congress Committee and other leading Congress men have readily assisted in the formation of taluk prohibition committees. The majority of the members of the committees are members of the Congress.

(*b*) *Taluk prohibition and village prohibition committees.*—Out of nearly 200 members appointed to the taluk prohibition committee in December 1937, 77 members sent their reports on the working of the Prohibition Act in January 1938. It has been found that taluk prohibition committee members are doing propaganda work, making enquiries and reporting on the effects of prohibition on the lives of the people. Their reports show that in a few cases they have given information to the police about offences committed. Some have stated that they are watching the movement of the suspects and inspecting sweet toddy topes. Most of the members were busy forming and advising village committees. Village prohibition committees were

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formed in almost all the villages in the district in January 1938. They have not yet had sufficient time to influence the situation to any marked extent. I expect to obtain considerable help from them under the guidance of touring officials and taluk prohibition committee members.

(c) *Co-operative Societies* in the district are making endeavours to encourage the thrift habit among former drinkers. The Salem District Urban Bank has distributed 130 hundi boxes in Salem town. The total deposits at the close of February were Rs. 328–5–9 after a withdrawal of Rs. 35 during the month. The same bank has ordered 2,000 hundi boxes for supply to co-operative societies in the district which join in the thrift campaign. It has also printed the pass books necessary for the purpose and the by-laws that have to be adopted by co-operative societies for the same purpose. The Hosur Co-operative Union has selected fifteen societies for distribution of hundi boxes and the Dharmapuri Co-operative Union has purchased 200 hundi boxes for distribution to its affiliated societies. In addition to these, the following co-operative societies have distributed hundi boxes in their areas:—

Name of society.	Number of hundi boxes.
Chennagiri Co-operative Society	25
Mallur Co-operative Society	50
Salem Urban Co-operative Society	50
Konganapuram Co-operative Society	25
Masinayakampatti Co operative Society	20
Kamalapuram Co-operative Society	10
Omalur Settipatty Co-operative Society	25
Dharmapuri town bank	100
Bargur Co-operative Society	15
Elathagiri	10
Palacode Teachers' Co-operative Society	25
Total ..	355

The Namakkal Union Bank has opened ten savings bank accounts in the Chucklers' quarters in Namakkal. Two societies have been registered in Salem town for the specific purpose of promoting thrift. One of these, the society at Ammapet, has been started recently with 56 members who have pledged themselves to a subscription of four annas per head every Monday. Some co-operative institutions have also organized bhajana parties, kalakshepams, harikathas, etc., to provide counter-attractions to drink. Among these may be mentioned:—

(1) Omalur Co-operative Society.

(2) Omalur Settipatty Society.

(3) Bargur Society.

(4) Elathagiri Society.

(5) Palacode Teachers' Co-operative Society.

(6) Dharmapuri Co-operative Union.

(7) Halai Dharmapuri Co-operative Society, etc.

ENCLOSURE.

Statement showing the prosecutions under the several sections of the Madras Prohibition Act, 1937, and the results of such prosecutions.

Sections of the Act under which prosecuted.	Number of cases prosecuted.	Result of prosecution.			
		Imprisonment.	Fine.	Acquittal.	Pending disposal.
4 (1) (*a*)	393	269	71	16	37
4 (1) (*g*)	8	8	..	..	..
4 (1) (*d*)	8	2	6	..	..
4 (1) (*b*)	1	1	..	..	..
4 (1) (*e*)	6	6	..	..	..
4 (1) (*c*)	4	2	1	..	1
4 (1) (*i*)	3	3	..	..	..
4 (1) (*j*)	2	2	..	..	..
4 (1) (*a*) and (*c*)	1	1	..	..	..
4 (1) (*a*) and (*k*)	1	..	..	1	..
4 (1) (*a*) and (*j*)	11	8	2	1	..
4 (1) (*a*) and 12	4	4	..	..	..
4 (1) (*a*) and (*g*)	9	8	1	..	..
4 (1) (*a*) and (*i*)	9	8	..	..	1
4 (1) (*b*) and (*g*)	3	3	..	..	..
4 (1) (*a*), (*b*) and (*g*)	1	1	..	..	..
4 (1) (*b*), (*i*) and (*j*)	4	..	4	..	..
24	2	1	..	..	1
7	1	..	..	..	1
11	17	1	14	2	..
12	4	1	1	1	1
4 (1) (*a*), (*g*) and (*i*)	1	1	..	..	..
4 (1) (*a*) and (*b*)	1	1	..	..	..
4 (1) (*d*) and (*e*)	1	..	1	..	..
4 (1) (*a*), (*d*) and (*e*)	1	1	..	..	..
4 (1) (*i*) and 24	1	1	..	..	..
4 (1) (*c*), (*g*) and (*k*)	1	1	..	..	..
Total ..	498	334	101	21	42

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APPENDIX II.

[Vide starred question No. 94 asked by Mr. J. A. Saldanha at the meeting of the Legislative Council held on 25th March 1938, page 588 supra.]

ANNEXURE I.

Statement of permanent depots run by the Agricultural Department.

Vizagapatam district—
- Sompeta.
- Tekkali.
- Narasannapeta.
- Cheepurupalli.
- Palkonda.
- Parvatipur.
- Bobbili.
- Vizianagaram.
- Jami.
- Vizagapatam.
- Anakapalle.
- Chodavaram.
- Yellamachili.
- Narasapatam.
- Salur.

East Godavari district—
- Ramachandrapur.
- Rajahmundry.
- Kothapeta.
- Tuni.
- Pithapur.
- Peddapur.
- Amalapur.
- Bhadrachalam.

West Godavari district—
- Narasapur.
- Kovvur.
- Tanuku.
- Tadepalligudem.
- Bhimavaram.
- Ellore.

Bellary district—
- Bellary.
- Hospet.
- Siruguppa.
- Adoni.
- Rayadrug.

Cuddapah district—
- Rajampet.
- Jammalamadugu.

Cuddapah district—*cont.*
- Proddatur.
- Cuddapah.

Kistna district—
- Bezwada.
- Masulipatam.
- Gudivada.
- Kaikalur.
- Gannavaram.
- Challapalli.
- Nandigama.

Nellore district—
- Nellore.
- Kavali.
- Kandukur.
- Atmakur.
- Nayudupet.

Guntur district—
- Guntur.
- Tenali.
- Bapatla.
- Repalle.
- Gurzala.
- Vinukonda.
- Ongole.

Anantapur district—
- Anantapur.
- Guntakal.
- Tadpatri.
- Gooty.
- Kadiri.
- Hindupur.

Chingleput district—
- Saidapet.
- Tiruvallur.
- Ponneri.
- Sriperumbudur.
- Conjeeveram.
- Chingleput.
- Madurantakam.

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Statement of permanent depots run by the Agricultural Department—cont.

Kurnool district—
- Allagadda.
- Dhone.
- Koilkuntla.
- Nandyal.
- Kurnool.
- Giddalore.
- Cumbum.

North Arcot district—
- Tirupattur.
- Gudiyattam.
- Wallajah.
- Cheyyar.
- Wandiwash.
- Chengam.
- Thiruvannamalai.
- Polur.
- Arkonam.
- Vellore.

Chittoor district—
- Madanapalle.
- Palmaner.
- Tiruttani.
- Chittoor.
- Chandragiri.
- Vayalpad.

Madura district—
- Madura.
- Dindigul.
- Palni.
- Periyakulam.
- Tirumangalam.
- Melur.
- Nilakkottai.
- Kodaikanal.

Ramnad district—
- Sivaganga.
- Tirupattur.
- Ramnad.
- Mudukulattur.
- Paramakudi.
- Sattur.
- Srivilliputtur.
- Aruppukottai.

Tinnevelly district—
- Tinnevelly.
- Srivaikuntam.

Tinnevelly district—*cont.*
- Tiruchendur.
- Nanguneri.
- Ambasamudram.
- Tenkasi.
- Sankarankoil.
- Koilpatti.

South Arcot district—
- Villupuram.
- Tindivanam.
- Gingee.
- Kallakurichi.
- Tirukkoyilur.
- Vriddhachalam.
- Chidambaram.
- Cuddalore.

Trichinopoly district—
- Trichinopoly.
- Lalgudi.
- Kulittalai.
- Karur.
- Musiri.
- Perambalur.
- Ariyalur.

Tanjore district—
- Tanjore.
- Papanasam.
- Kumbakonam.
- Mayavaram.
- Shiyali.
- Nannilam.
- Tiruvarur.
- Mannargudi.
- Tiruturaipundi.
- Pattukkottai.
- Arantangi.
- Orttanad.
- Peravurni.

South Kanara district—
- Coondapoor.
- Udipi.
- Mudbidri.
- Mangalore
- Puttur.
- Kasaragod.
- Cannore.

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Statement of permanent depots run by the Agricultural Department—cont.

Malabar district—
- Tellicherry.
- Badagara.
- Calicut.
- Manjeri.
- Manantoddy.
- Ponnani.
- Perintalmanna.
- Palghat.

Salem district—
- Attur.
- Dharmapuri.
- Hosur.
- Krishnagiri.
- Namakkal.
- Omalur.
- Rasipuram.
- Salem.
- Tiruchengode.
- Harur.

The Nilgiris district—
- Coonoor.
- Ootacamund.

Coimbatore district—
- Avanashi.
- Bhavani.
- Coimbatore.
- Dharapuram.
- Erode.
- Gobichettipalayam.
- Kollegal.
- Palladam.
- Pollachi.
- Tiruppur.
- Udamalpet.
- Andiyur in Bhavani (sub-depot) taluk.

In addition to the above, the Agricultural College and Crop Breeding Stations nearly act as sub-depots for seeds.

ANNEXURE II.

The various methods employed for popularizing these depots are as follows:—

(i) Sign boards in English and the local language are hung at these depots. Implements are kept on show in the show room attached to each depot, with their name and price written on each. The depots are kept open every day during certain fixed hours and when ryots and other visitors come to the depots, all particulars about seeds, implements and the improved methods of agriculture are explained to them by the Agricultural Demonstrators and, in their absence, by the store-keepers.

(ii) The existence of depots and the articles available for sale are published in the Villagers' Calendar.

(iii) Demonstrators, maistris and messengers, during their tours in the taluk, bring to the notice of the ryots the existence of such depots.

(iv) During important festival occasions and shandy days, messengers go about with calendars and give publicity to the existence of depots.

(v) Whenever the staff see ryots passing by the side of the depot, they are called in and things stocked in the depots are shown to them.

APPENDIX III.

[Vide answer to starred question No. 98 asked by Rao Bahadur M. Ramakrishna Reddi at the meeting of the Legislative Council held on the 25th March 1938, pages 590–591 supra.]

G.O. Ms. No. 2796, Education, dated 24th November 1937.

The Government have perused with interest the statement of district board secondary schools submitted by the Director of Public Instruction. They agree that the ideal would be to concentrate schools in a few centres in each district and to provide hostels, but the provision of hostels would be expensive and for this and other reasons is not practicable at present. The Government, however, feel that there are a number of district board secondary schools which are 'uneconomic' even if a much less severe standard than it is permissible to adopt in respect of municipal schools is applied and that the question of closing some of these should be examined. This examination may be made with reference to middle schools having a strength of less than 60 in the three middle school classes and high schools having less than 60 pupils in Forms IV to VI. A list of such schools is annexed. The Director of Public Instruction is requested to investigate the feasibility of abolishing as many of these as possible in consultation with the district boards and district educational officers concerned and submit proposals as and when the examination in respect of each district is complete.

(By order of His Excellency the Governor)

C. H. MASTERMAN,
Secretary to Government.

Annexure.

Name of school.	Middle or high.	Strength.	Percentage of fee income to total expenditure.
Vizagapatam District—			
Kassimkota	Middle	46	19
Gajapatinagaram	Do.	48	19
Srungavarapukota	Do.	47	19
Godavari, East—			
Kapileswarapuram	Middle	49	17
Kistna—			
Avanigadda	High	47	24
Nandigama	Do.	57	30
Tiruvur	Middle	36	11
Gudur	Do.	54	15
Tothavalli	Do.	46	15

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Name of school.	Middle or high.	Strength.	Percentage of fee income to total expenditure.
Guntur—			
Peravali	Middle	59	20
Vinukonda	*Do.*	*32*	*13*
Gurzala	Do.	56	25
Pittalavanipalem	Do.	54	21
Kurnool—			
Atmakur	High	58	30
Koilkuntla	Do.	55	23
Markapur	Do.	48	25
Giddalur	Middle	49	23
Bellary—			
Alur	Middle	48	23
Hadagalli	Do.	29	12
Kampli	Do.	35	15
Anantapur—			
Dharmavaram	High	56	33
Madakasira	Middle	54	20
Kalyandrug	Do.	47	17
Cuddapah—			
Nandalur	Middle	54	25
Badvel	Do.	59	16
Kamalapuram	Do.	40	11
Nellore—			
Sulurpet	High	55	22
Udayagiri	Middle	57	16
Chingleput—			
Ponneri	High	52	45
Uttiramerur	Middle	56	20
Sriperambudur	Do.	49	18
North Arcot—			
Polur	High	59	43
Kaveripakkam	Do.	51	22
Chengam	Do.	22	25
Chittoor—			
Vayalpad	Middle	53	22
Pakala	Do.	58	26
South Arcot—			
Kattumannarkoil	Middle	58	20
Tanjore—			
Ayyampet	High	50	23
Kodavasal	Do.	53	25
Muthupet	Middle	33	12
Ramnad—			
Kamuthi	High	35	13
Tinnevelly—			
Nanguneri	High	55	30
Kadayanallur	Do.	56	34
Coimbatore—			
Chennimalai	Middle	52	41
Kangayam	Do.	54	37
Kanniyur	Do.	46	30
Salem—			
Hosur	High	57	36
Malabar—			
Payyanur	High	58	40
Kumaranallur	Do.	59	40

THE MADRAS LEGISLATIVE COUNCIL.

Thursday, the 31st March 1938.

The House met in the Council Chamber, Fort St. George, at eleven of the clock, Mr. President (THE HON. DR. U. RAMA RAO) in the Chair.

[*Note.*—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

I.—MESSAGES FROM THE ASSEMBLY.

* MR. PRESIDENT:—" I have to announce to the House that the following messages, dated Chepauk, the 30th March 1938, have been received by me from the Hon. the Speaker of the Madras Legislative Assembly:—

(1)

" I have to inform you that the Bill further to amend the Madras Suppression of Immoral Traffic Act, 1930, for certain purposes (L.C. Bill No. 1 of 1938) which was passed by the Council at its meeting held on the 23rd March 1938 was passed by the Assembly at its meeting held on the 29th March 1938 with the following amendments, namely:—

Clause 2.

I. In sub-section (2) of new section 8-A—

(i) In line 2 of clause (*a*) for the word '*prostitute*', substitute the words '*person living in prostitution*'.

(ii) In lines 2 and 3 of clause (*b*) for the word '*prostitute,*' substitute the words '*person living in prostitution*'.

(iii) In line 2 of the proviso for the word '*prostitute,*' substitute the words '*person living in prostitution*'.

(iv) In line 4 of the proviso for the word '*protitute,*' substitute the word '*person*'.

II. *For* sub-section (3) of new section 8-A, *substitute* the following sub-section, namely:—

'(3) *Notwithstanding anything contained in section 2, this section shall not be applied except to the City of Madras or a municipality constituted under the Madras District Municipalities Act,* 1920, *or an area situated within three miles of the limits of such city or municipality.*'

" The Assembly requests the concurrence of the Council in the amendments.

(2)

" In accordance with rule 94 of the Madras Assembly Rules, I transmit a copy of the Bill further to amend the Indian Tolls Act, 1851, in its application to the Province of Madras and the Madras Motor Vehicles Taxation Act, 1931, for certain purposes (L.A. Bill No. 5 of 1938) as passed by the Assembly on the 29th March 1938 and signed by me, for the concurrence of the Council."

II.—THE MADRAS SUPPRESSION OF IMMORAL TRAFFIC (AMENDMENT) BILL, 1938, AS PASSED BY THE ASSEMBLY.

* THE HON. MR. K. RAMAN MENON:—"Mr. President, I move—

'*that the amendments to the Bill further to amend the Madras Suppression of Immoral Traffic Act, 1930, for certain purposes which was passed by this Council with the amendments*[a] *made by the Assembly be taken into consideration.*'

"A word of explanation is necessary . . ."

RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—"On a point of order. I think the Hon. the Minister cannot proceed further with the Bill and move that the Bill be taken into consideration. I rely on rules 98 and 99 of the Council Rules which deal with Bills received back from the Assembly. I shall read them:

'98. If such a Bill is received from the Assembly with amendments made in that Chamber, copies of the Bill with such amendments shall be laid on the table at a meeting of the Council.

'99. After such an amended Bill has been laid on the table, any Member acting on behalf of Government in the case of a Government Bill . . . . . after giving three days' notice, may move that the amendments be taken into consideration.'

"The Bill has been placed on the table of the House only just now. There is a difference between rules coming under section 2, viz., Bills originating in the Council and not agreed to by the Assembly and section 3 which deals with Bills originating in and passed by the Assembly and received therefrom in the Council in that in the latter case there is a provision giving discretion to the President, namely, the words 'Unless the President otherwise directs' in rule 104, whereas there is no such provision under this section empowering the President to suspend the operation of the rules. I, therefore, submit that the Hon. Minister cannot move these amendments to be taken into consideration except after three days' notice as required under the rules."

* THE HON. MR. K. RAMAN MENON:—"It might have been better if I had requested the President to give me permission to make this motion because under rule 112, the President may in his discretion dispense with the provisions of the chapter regarding notice and may allow any motions regarding a Bill to be moved without notice or with shorter notice. I request, Sir, that you may be pleased to give me permission to make this motion."

* MR. PRESIDENT:—"In view of the urgency of the Bill, I permit the mover to make the motion."

THE HON. MR. K. RAMAN MENON:—"I was saying that a word of explanation was necessary in view of the fact that these amendments which have been made in the Assembly have been made at the instance of the Government itself. When this Bill was under consideration in this House as also when it was under consideration in the Select Committee, attempts were made to bring in amendments almost similar to those that have been accepted by the Government in the Assembly. There is some difference between the amendments that were sought to be made here and the amendments that have been accepted by the

[a] Vide item I (1) supra.

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Government in the Assembly. At the time when they introduced the Bill into this House, the Government wanted that this particular provision which has now been deleted by the Assembly should find a place in the enactment because the Government thought that in view of the fact that extra powers were being given to the Police and on account of the fact that something like a new offence was being constituted, there was some need for some sort of protection, so to say, to certain classes of persons who for certain reasons—this was perhaps due to longstanding customs under which they were living—and perhaps it may be without justification—were dubbed as persons who were carrying on this profession of prostitution. In so far as a certain class or community has existed in our country who, whether they were really carrying on this profession or not, were generally regarded by people as persons likely to carry on this profession, the Government thought that there were proper reasons why with the extra power that was being given to the Police and with a presumption of law as sought to be drawn against such persons, there should be a provision whereby this particular class of people should be exempted from the operation of this new section. But it has been realized by the Government since then that there is a large volume of opinion against this exemption provision and that the Government would have all the necessary help and co-operation from those persons who are really and mainly responsible for effectively carrying out the provisions of this Act, so far as its working is concerned. Though the Government gave power to the Police and though an Act like this was on the Statute Book, in its actual working, it is the co-operation of the women and the welfare workers that will make this Act a success. As they got that assurance from those who were interesting themselves in social work that they would be only too glad and willing to give that amount of co-operation that is necessary for the proper working of this Bill and to see at the same time that there was no harassment caused to the women in any manner, they thought that in response to the appeal made by the Vigilance Association and other eminent lady social workers, they should accept the suggestions made. Accordingly sub-clause (3) was deleted and a new provision has been inserted. The Government feel that even in such cases the power that is given to the Police under this new clause should not be made available to be used by them in remote and far away places where the women are not sufficiently educated to protect their own rights and where public opinion perhaps is not so well developed as to give the necessary amount of protection to the people from possible harassment. We have therefore decided to substitute a new clause whereby it is to be applied only in the City of Madras and the various municipalities where this Act comes into operation by virtue of a notification by the Government. As regards the other amendments, they are more or less verbal in character. The expression 'prostitute' was used very frequently in new section 8-A and we thought that in so far as this expression has not been defined either in the amending Bill or in the old Act, it should be substituted by the words 'person living in prostitution.' This wording is more in consonance with the technique of law-making

and reads better. In view of the fact that, while this Bill was unde consideration in this House, there was a demand that this clause shoul be deleted, I hope there will be no opposition from any part of thi House to the acceptance of the amendments.

"I move that the amendments be taken into consideration."

DR. SIR K. V. REDDI NAYUDU:—"Will you allow us to hav our say with regard to it?"

*MR. PRESIDENT:—"Generally no speeches are allowed."

The motion was put and carried and the amendments were take into consideration.

*MR. PRESIDENT:—"I propose to put from the Chair th amendments made by the Legislative Assembly.

"The question is that the following amendments be made in clause : of the Bill further to amend the Madras Suppression of Immoral Traffi Act, 1930, for certain purposes (L.C. Bill No. 1 of 1938) as passed b the Council:—

I. In sub-section (2) of new section 8-A—

(i) In line 2 of clause (*a*) for the word '*prostitute*,' substitut the words '*person living in prostitution*';

(ii) in lines 2 and 3 of clause (*b*) for the word '*prostitute*,' substitute the words '*person living in prostitution*';

(iii) in line 2 of the proviso for the word '*prostitute*,' substi tute the words '*person living in prostitution*'; and

(iv) in line 4 of the proviso, for the word '*prostitute*,' substi tute the word '*person*.'

II. *For* sub-section (3) of new section 8-A, *substitute* the follow ing sub-section, namely:—

'(3) *Notwithstanding anything contained in section 2, thi section shall not be applied except to the City of Madras or* ‹ *municipality constituted under the Madras District Munici palities Act, 1920, or an area situated within three miles of th limits of such city or municipality*'."

11-15 a.m. *MR. J. A. SALDANHA:—"Mr. President, Sir, I beg leave t move the following amendment that stands in my name:—

'*That the following words may be added at the end of new sub section (3) of section 8-A*:—

"*or an area in which a large number of people gather for reli gious purposes or for fairs or for both and unless homes ar provided for rescue of such women and children as may b affected by the operation of the Act, which in the opinion o the Government are adequate for the purpose*".'

"Sir, it is not necessary for me to stress this point much; it is well known that at fairs and religious gatherings where there are large con courses of people, both poor and rich, drawn from different sections and

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different communities, these poor women whom we are now legislating about are also to be found in large numbers. As an eminent doctor recently pointed out in connexion with the nature of the diseases prevalent in India, it is a despair and a pity that venereal diseases should be propagated all over the country by this means. I therefore suggest that in areas where such large gatherings occur—not alone in cities and municipal areas—even where such places are only villages, temporarily turned into towns on account of such gatherings, the provisions of this Act should apply. The District Municipalities Act and the Local Boards Act make provision for sanitary, medical and other arrangements being made on such occasions, but they do not refer to the traffic which we are now concerned with in this Bill. I think it is but right that we should apply the provisions of this Act to such areas, wherever large concourses of people are to be found.

"The second portion of my amendment relates to the provision of rescue homes. On this point, some stress was laid in the speeches made both in this House on a previous occasion and in the other House, as to the necessity for providing rescue homes for the unfortunate people who are thrown out on the street as a result of the provisions of this Act. Unless that is done, Sir, there is no use of our passing this legislation here; the vice will only spread more and more throughout the cities and towns, as in Bombay, where such an Act is now in operation. I therefore submit that the benefits of this measure would be practically nullified unless we establish rescue homes, and make a compulsory provision here for that purpose. That is why, Sir, I have stated in my *amendment*, '*unless homes are provided for rescue of such women and children as may be affected by the operation of the Act.*' With these words, Sir, I trust that the House will consider this question seriously and support my amendment."

The amendment was duly seconded.

* THE HON. MR. K. RAMAN MENON:—"I oppose this amendment, Sir. By this amendment, Mr. Saldanha seeks to bring in certain 'other areas' which are so indefinite in conception that it is hardly possible for any legislative body or even for the Government to accept. He desires that the operation of section 8-A of the Act should be made applicable to an area in which large numbers of people gather together for religious purposes or for fairs or for both. I submit that the interpretation of this clause, now proposed by my friend, if it is to be made by one police officer, will differ very much from the interpretation put on it by another officer. It might be that one officer would think that a gathering of 10,000 persons for a fair would come under 'fairly large number of people' while another officer might think *that an equally large gathering for religious purposes would not come* under the operation of this Act. I do not really think that my hon. Friend who has so much of experience in legislative work would desire that we should impose a clause like this, which is so uncertain in its interpretation, for incorporation in any enactment, and more so, in an

Act like this where we are dealing with something like a criminal law. I therefore oppose the first part of his amendment on this ground, that it is indefinite.

"As regards the second part of his amendment, regarding the provision of rescue homes, I submit there are ample provisions in the Madras Suppression of Immoral Traffic Act itself to this effect. Whenever the Government want to extend the operation of this Act to any particular area, they take many things into consideration, and one of such questions that they consider is generally whether there is a possibility of providing a rescue home in the particular place to which the Act is to be extended, for the benefit of women rescued from brothels and such like places. I submit, Sir, it is more a matter for the executive to decide as to whether the Act should or should not be extended to a particular area, having due regard to the facilities available in that area for the rescued persons. I think, therefore, in view of that fact, it is not advisable to make a provision like this in section 8-A of the Act. I oppose the amendment."

The amendment was put and lost.

* MR. PRESIDENT:—"The question is that this Council do agree to the amendments made by the Assembly."

The amendments made by the Assembly were put and carried.

III.—THE MADRAS TOLLS AND MOTOR VEHICLES TAXATION (AMENDMENT) BILL, 1938, AS PASSED BY THE ASSEMBLY.

* THE HON. MR. K. RAMAN MENON:—"I move, Sir—

'*that the Bill* [a] *further to amend the Indian Tolls Act,* 1851, *in its application to the Province of Madras and the Madras Motor Vehicles Taxation Act,* 1931, *for certain purposes* (*L.A. Bill No.* 5 *of* 1938) *as passed by the Assembly be taken into consideration at once.*'

"Sir, this Bill has been passed . . ."

* RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—"On a point of order, Mr. President. I am afraid I have to raise a number of points of order to-day. I would request you to allow me a few minutes' time to say a few words."

* MR. PRESIDENT:—"Yes, as far as the point of order is concerned."

RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—"The rules that are relevant to my point of order are rules 102 and 103 of the Legislative Council Rules. Rule 102 reads:

'As soon as possible after a Bill which has been passed by the Assembly is received in the Council, copies of the Bill shall be laid on the table at a meeting of the Council.'

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[a] Printed as Appendix on pages 696–698 infra.

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"Rule 103 reads thus:

'At any time after copies have been laid on the table in the case of a Government Bill, any member acting on behalf of Government and in any other case, any member may give notice of his intention to move that the Bill be taken into consideration.'

"Unless the Hon. Minister requests you to use your powers under rule 104, the Bill cannot be proceeded with at this stage, within three days from the receipt of notice. But before he makes any such application to you, Sir, and you give your ruling, I desire to submit a few words for your consideration. This is not the first time that Government desire to invoke this rule. Even to-day, they invoked this rule in connexion with the Bill to amend the Suppression of Immoral Traffic Act, and you were pleased to suspend the provisions of the rules and allow the Bill to be taken into consideration. This is not a Bill which need be hurried through like this. I would like, in this connexion, to refer to the speech of the Hon. Premier when he moved the Agriculturists Relief Bill, in the concluding portion of which he stated: 'I shall be wiser hereafter in making the time-table of the House.' In connexion with that Bill, of course, he stated that there was urgency because the creditors were taking distraint proceedings in the courts and therefore it was necessary to put an end to them at once. But in this case, there is no such thing. The Assembly passed this Bill only the day before yesterday and we got copies of the Bill only last night. I got my copy only at about 10 o'clock last night. There has absolutely been no time given to us to go through the Bill and see its implications. It was no doubt published in the Gazette on the 8th of March; but we do not know what changes have been made by the Assembly or whether any changes have been made at all. Unless one had both the Bills as published in the Gazette and as passed by the Assembly side by side and sees, it will not be possible to find out what all changes have been made in the Assembly.

"I should like to mention one other point also. I think that the Hon. Minister himself would be persuaded to change his mind and accept the changes that may be suggested by Members of this side of the House if some more time is allowed. Sir, in connexion with another Bill until he was not able to accept an amendment moved in this House on the 25th March, the public opinion was so great that he himself had to move the very same amendment in the other House on the 30th March. Therefore, Sir, there is no point in rushing this Bill through the House and I would appeal to you, Sir, as the custodian of the privileges of the House, not to allow the motion to be taken up to-day."

11- a.m.

* THE HON. MR. C. RAJAGOPALACHARIAR:—"The point raised is that the request of the Hon. Minister in charge of the Bill that the notice required under the rules may be dispensed with and that the Bill as it has been passed by the Assembly may be considered, should not be granted."

RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—"He has not moved any such motion. I have anticipated it."

* THE HON. MR. C. RAJAGOPALACHARIAR:—"Sir, I wish to bring to the notice of the House that the Bill was published on the 8th March 1938 and till to-day not a single protest has been raised against the Bill by the public either in the press or otherwise. Then the Bill has been passed by the Legislative Assembly without a single amendment either in substance or in form. Therefore the argument that some changes might have been made in the Bill by the Assembly, which hon. Members of this House have not had time to consider, does not apply. The Bill as was published on the 8th March is now before this Chamber.

"Then again, Sir, when we last adjourned the House to this date, the agenda that was issued to hon. Members immediately afterwards included this particular subject and the present sitting is for the consideration of these two Bills which have been published."

RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—"My submission is that there has been no valid notice."

* THE HON. MR. C. RAJAGOPALACHARIAR:—"The present sitting is for the consideration of these two Bills which have been considered already by the Assembly and for nothing else. I submit, therefore, that all the facts and circumstances of the case justify the consideration of the Bill immediately instead of its being postponed. The hon. Member said that this is a breach of the promise that I had made. On the contrary I submit that this measure was announced in the press and in the Gazette so early as 8th March and has been passed without any change by the Assembly. Therefore, Sir, this Chamber should not make a point of the objection that three days' notice has not been given. As a matter of fact, the required notice has been given, because the agenda sent to hon. Members has included this subject also. Therefore there are neither technical nor substantial grounds for raising this objection. As regards the Bill itself, it should also be taken into account that this is not a taxation measure in the ordinary sense. This is only a measure for recouping the loans and grants that are made to local bodies for a specific purpose."

* MR. PRESIDENT:—"After hearing the Hon. the Premier I am inclined to dispense with the requisite notice under the discretion given to me in rule 112."

* THE HON. MR. K. RAMAN MENON:—"Sir, this Bill has been passed by the Assembly and has come up here for consideration. This Bill has become necessary, because the Madras Motor Vehicles Taxation Act, 1931, has taken away the power of the Local Government and the local bodies to levy tolls on bridges and roads. Under section 14 of that Act, it is provided that after the commencement of that Act—that is after April 1931—no tolls can be levied except as provided for

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in that section. Section 14 of the Act empowered the Local Government to levy tolls under section 2 of the Indian Tolls Act, 1851, in respect of any road or bridge which the Local Government may make or repair at their cost after the commencement of the Madras Motor Vehicles Taxation Act, 1931. After the repeal of that portion of the Indian Tolls Act so far as this Presidency was concerned except to the extent provided for in section 14 of the Madras Motor Vehicles Taxation Act, it was found that there was a great demand from the various local bodies for loans as well as for grants from the Government for the construction of bridges which were sometimes very big and sometimes tolerably big. The Government found that they could not give loans or grants to these local bodies for the construction of such bridges unless there was a way of recouping the amounts they advanced. Otherwise, in course of time it would be impossible for the Government to make grants or loans. In view of the fact that the Madras Motor Vehicles Taxation Act empowers the Government to levy tolls only in cases where the Government spend their own moneys for the purpose of the construction or repair of roads and bridges and also in view of the fact that most of the bridges that have been constructed and are being constructed are constructed by the local bodies and not by the Government, the Government thought that there was need to take power to levy tolls on such of those bridges as are constructed by the local bodies if the cost of such construction is advanced by the Government either by way of loans or by way of grants. It will be seen that section 14 of the Motor Vehicles Taxation Act provides that if it is the Government money that is being used for the purpose of construction of a bridge or a road, the Government have got the power of levying tolls. The amending Bill now before the House makes extra provision only in cases where a bridge is being constructed by a local body. I emphasize it for this particular reason. I understand there is a misapprehension in the minds of certain members of this House that the Government by this amending Bill are seeking to take power to levy tolls even in cases where roads are constructed by the local bodies. I may say definitely—and it is so provided in the amending Bill—that the local bodies will be entitled to get a recoupment of the amount spent by them only in cases where they have spent the money for the purpose of construction of bridges. If roads are constructed by the local bodies either from their road revenues or from the loans or grants from the Government, they will not be entitled to get a recoupment of the amount by levying tolls.

"There is another important point that is to be noted in this connexion and that is this. If the local body were to meet the expenses for the repair or improvement or the construction of a bridge from out of its ordinary revenues, the Government will not levy a toll so as to recoup the amount so spent. It is only if and when the local body gets the amount either by way of a loan—it may be from the Government or it may be from other sources—or by way of a grant from the

Government and if the local body uses this amount for the construction or repair or improvement of a bridge, it is only in such cases as that that the Government will be levying tolls so as to recoup the amount spent by the local body. Again, Sir, I find that there is another misapprehension that this power which the Government are taking is intended to be vested in the local bodies perhaps to be used by them in a most indiscriminate way. I may say, Sir, that it is not so. The power is taken only by the Government and the tolls will be levied only by the Government. It will be done only for such period as the Government find it necessary for the purpose of recouping the amount spent on the construction of the bridges with a small rate of interest. If and when the amount is recouped the tolls shall cease to be levied in such places. I submit, Sir, that this small power which is sought to be taken by the Government in the matter of levying tolls is restricted to the cases of bridges which have been constructed and which will be constructed after the year 1931 from out of amounts given as grants by the Government or from out of amounts taken as loan by the local body either from the Government or from any other source. This is a small power which is taken by the Government. This has been found to be absolutely necessary in view of the fact that the Government have got before them a big scheme for the construction of huge bridges which the Government feel are absolutely necessary for affording facilities for transport of men and goods. Sir, I may be permitted to refer here to the Rail-Road Conference that was held some time back and the scheme that has been prepared by an expert Mr. Vipan in the matter of the construction of roads and bridges. The total estimated cost of the scheme comes to somewhere about Rs. $7\frac{1}{2}$ crores. If the Government are to finance the scheme and ask the local bodies to construct the bridges as per the scheme already prepared and approved by the Government, it will be necessary for the Government to recoup the amount spent on the scheme. Otherwise it may not be possible to carry out the scheme. The Government cannot really afford to go on spending more and more money on these bridges without taking steps to recoup the amounts so spent by them and replenish the sources that they have for financing the construction of these roads and bridges. That is the justification for this amending Bill.

"This amending Bill reiterates the power that was given in section 14 of the Motor Vehicles Taxation Act. It also provides that if the bridge is constructed or repaired or improved by the local body, the Local Government will have the power to levy tolls. That is the main provision of the amending Bill. It also repeals section 14 of the Motor Vehicles Taxation Act, because it is reintroduced in this new clause 2. There is nothing more to be said about the necessity for this amending Bill. I am sure, Sir, that the House will accord its assent to this Bill without much difficulty, because it is well known to all hon. Members that there is really need for more and more bridges in our country. We are faced with the situation where we are not having

sufficient funds for the purpose of financing the construction of bridges. With these words, Sir, I commend the Bill for the consideration of the House."

MR. MEDAI DALAVOI KUMARASWAMI MUDALIYAR:—"*I have got some doubt; the Bill refers to bridges; does it include causeways also?*" 11-a.m

THE HON. MR. K. RAMAN MENON:—"Yes."

*DR. C. RAMALINGA REDDI:—"Sir, I want to oppose the motion, in order to elicit information. The first thing, Mr. President, is, I feel that this Government is reversing the policy of Mr. Muniswami Nayudu's Ministry. We are trying to reverse the policy of Mr. Muniswami Nayudu's Ministry which, out of a feeling of solicitude for the rural population, abolished tolls altogether. Whatever may have been our general attitude towards the Justice Party, opinion has been unanimous that this is one of the best measures undertaken under the diarchic system of Government. The principle underlying Mr. Muniswami Nayudu's Ministry is this; it has been the contention of Indian politicians all along that the rural population have been contributing a very large amount to the general revenues of the Government and that they are not getting sufficient return of Government expenditure, and that many of the amenities provided for the rural population should be increased. The policy of the Congress Government also has been rural relief. I think all parties are united at any rate in the theory that everything should be done for these rural parts which have been neglected all these years and that as far as possible these relief measures and the cost thereof should be borne by the general tax-payer. It is on that principle that tolls were abolished, and to-day we are trying to revive tolls in the case of bridges. They say bridges are different from roads. What is the difference in principle between the arguments advanced for levying tolls in respect of bridges and the arguments that may be advanced for levying tolls generally including roads; new roads have to be constructed and they cost a good deal; old roads have to be repaired and they cost also a good deal. By parity of reasoning the Government might come forward to-morrow with a proposition for levying tolls on roads; they may even tell us that so far as the general grounds are concerned, the Assembly and the Council have already been committed to such tolls in principle. I feel strongly that whatever may be the specific justification for this measure which involves certain larger issues of rural relief, our Congress Government which I think and believe are doing their best to relieve rural population of certain burdens, cannot undertakes measures of this kind which largely detract from both the moral and material value of their professions.

"Then, Sir, I have another objection. More than one Hon. Minister has been assuring the public that revival of tolls was not possible, that, at any rate, there was no likelihood that tolls would be

revived in the province. I am not referring to any particular Minister; I believe more than one Minister has made that statement. The people when asking for assurances, ask in general terms and assurances are given in general terms. It may be stated: 'we only assured that tolls will not be levied on roads; we never said that we would not levy tolls on bridges.' But such mental reservations unless openly stated won't be fair to the public. Now they are going to levy tolls only on bridges. My hon. Friend, the Prime Minister, might say there has been no agitation against this; it is probably due to the fact that the assurances given by Hon. Ministers in their various tours have had a lulling effect on the public. Nor can it be said that a measure which involves a principle of retrospective effect is sound in legislation. For instance, effect is to be given from the year 1931. Many people might have constructed bridges, many local bodies might have got funds to construct bridges and so on, thinking that the burden would not fall on the users of roads and bridges but on the general public of the Province and on the cess payers in the district; and now to penalise them for what has happened between the years 1931–1938, seems to me to carry the argument almost to the limit of vengeance of the past. It is a most objectionable feature of this measure.

"My hon. Friend, Mr. Raman Menon, might say, this is not a taxation measure; this is only a measure for recovery of debts as it were; we have given relief to the people in the country parts by scaling down their debts; the amounts spent on the construction of bridges from the year 1931 to 1938 were not probably considered as debts; the Government now think that the amount spent on these bridges should be recovered. I will not dwell on the apparent contradiction of the two principles. I suppose it is open to the Government to consider their debts as fully sacred, and not the debts of other people; this is in effect, so far as people are concerned, a taxation or financial measure, whatever may be the grounds or theories on which we are going to justify it, this is a taxation measure on bridge traffic. I have never heard of any legislature, of any responsible Government wanting the legislature to vote carte blanche confidence in matters of taxation which will be executed with unlimited powers of determination of the actual rates and the amount of taxes and duration in time. Here there is a lower limit and what exactly it is, is not stated. I understand that in another House, the limit of Rs. 1 lakh was proposed; it is my information that private members proposed this limit. I think that the Government themselves taking into account all their commitments and their financial resources to meet the cost of the expenditure and the extent to which they depend on these tolls and other sources of revenue to meet the expenditure, should come forward with what they consider to be a lower limit. By the provisions of the Bill it would be competent for the Government to levy the tolls; the rate at which tolls are to be levied is left to them. Here is a measure on which the Council and the Assembly are asked to vote general powers to be executed by

orders and administrative decrees, the very rate at which tolls should be collected and the amount above which tolls can be collected. I am sure my Hon. Friend, the Prime Minister, who has, I believe, done so much to maintain the highest standards in administration will kindly consider whether this kind of asking for general comprehensive powers in a taxation measure, however much it may not be abused by the present Ministry, is good on principle and something which he would like to establish as the normal practice in matters of legislation. On these grounds therefore I think that this measure has been hastily conceived; it reverses the principles of one of the most recent pieces of legislation, namely, that rural relief need not be made contingent on payment by rural people; on account of the entire history of our country and the financial administration of British India, we must give greater relief to rural people who have borne the burden of the State's finances for centuries together.

"Secondly, the Bill gives retrospective effect, which I consider, to be a great blemish in a legislative measure, because it penalises people who at the time, they entered into the obligation, did not know that they would be so penalised; viz., in the case of the users of bridges the Bill does not specify the lower limit and the rates; it leaves these things, these important considerations, entirely to depend upon executive orders and decrees, which, I believe, is inconsistent with the principles of good Government and not certainly of responsible Government.

"I moreover want to know what the urgency is for this measure. True I did not like to support my hon. Friend, Mr. Samiappa Mudaliyar, when he appealed to you that the Bill might be taken up later on. But this is a taxation measure, at any rate a measure which affects the pockets of the people, the purse of the people. Even conveyances, like bullock carts and hand carts used for agricultural purposes are not exempt. The 1931 Act was passed under the impression that from the proceeds of the Motor Vehicles Taxation Act and from our share of the revenues of the Government of India under the petrol tax, we would be firstly in a position to make large subventions to the local bodies for constructing roads and bridges and secondly there would, in future, be no tolls hitting the poorest of the poor apart from repayment of loans from the general revenues and cesses of the district boards. In my own small village there are probably ten people living by plying bandies for hire; they will have to pay toll probably every time they come and go. All these matters are to be determined by rules, we are told, and in the absence of these rules we can only proceed on the basis that the worst is posisble.

"There is another way of raising revenue, namely, to add a quarter of an anna or half an anna to the cess paid to the local bodies. My hon. Friend, Mr. Narayanaswami Nayudu, ought to know these things better; my connexion with local bodies is rather limited and not quite happy. I think we can add quarter of an anna or half an anna to

the cess paid; it will be a burden on the land-owning class and not on the poorest of the poor. It cannot be said that this toll is the only method by which the revenues required can be raised.

"I do not think that this measure is urgent; supposing this is taken up in August, will all the present bridges collapse? Will this stand in the way of the local bodies repairing their bridges? On a matter of this kind, the Prime Minister who has by himself and with his cabinet, maintained the high standard of administration in this province, will, I think, allow full time to consider and let the public make representation, so that the public might not be misled by the Ministers; generally the people accept the lead of the Council and the Assembly. The Council is not an automaton to be pulled by the people outside and by the Government inside. We are sometimes giving the lead to the country just as we expect the lead from the country. For all these reasons I appeal to my hon Friend to meet us by taking up this Bill at the next meeting of the Council, unless by prorogation the Bill is going to lapse."

* RAO BAHADUR M. RAMAKRISHNA REDDI:—"Mr. President, Sir, it is very painful to know that, though the Bill introduced by the Hon. Minister is small in size, the results will be very mischievous in its actual working in the long run. I say mischievous, because this Bill when it becomes law will affect all classes of people whether rich or poor, irrespective of their property qualifications, as my hon. Friend, Dr. C. Ramalinga Reddi has stated, whereas the previous Acts which we had the privilege to pass, affected only particular classes of people. Under the old Local Boards Act, they had what are called tolls on roads and the Government realizing the hardships and the inconveniences to which the ryots were put, were pleased to abolish the system of tolls once for all. Nobody expected that the present Government—which from many a platform and in their manifestoes stated that they were going to reduce taxes,—would bring forward a measure—though not in the old form, but in a polished manner—to levy tolls.

"Mr. President, as pointed out by my hon. Friend, Dr. C. Ramalinga Reddi, the poor ryots have oftentimes to take manure or manure leaves from forests, and for that they have to pay a tax under this measure. Sir, hon. Members are not unaware of the fact that a poor ryot is not always a person who owns a cart, but gets it by giving his labour to another man in the village. Very often he takes a loan of a cart or a loan of a pair of bulls from another and goes to the forest for the purpose of bringing manure and in such a case, where is he to find the money to pay the tax? It is not known. That is the reason why I say that this Bill is mischievous, because it affects every man irrespective of his status and irrespective of the means of his livelihood. This Bill is also indefinite in its policy and too wide in its powers. I say it is indefinite, because, nothing has been stated with

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regard to the rate of tax or with regard to the period of its levy. No doubt, my hon. Friend stated that it is intended to recoup the amount that is going to be spent on the construction of the bridge or the road, but it is not definitely stated in the Act itself. At any rate, we do not know whether it is going to be abolished as soon as the amount spent on it is realized. It might have been stated so in the Statement of Objects and Reasons or they might even have stated it on the floor of this House, but such an intention has not been made clear in so many words in the statute.

"Apart from that, Sir, as my hon. Friend, Mr. Kumaraswami Mudaliyar stated, we do not exactly know what is meant by a bridge. It may even mean a causeway, or a kacha culvert or a pucca culvert; and we do not even know whether they are going to levy such a tax irrespective of the amount they may spend on the road, bridge or culvert, because in the case of certain small kacha culverts, their construction might not involve more than Rs. 20 or Rs. 40. Therefore, the word 'bridge' is not defined properly. So, I say it is indefinite.

"Again, Sir, when such measures are brought before the House, it is but reasonable on the part of the House to expect from Government what is the rate of tax or the period of its levy, or whether it is going to be extended and I should say that in this matter the Government have not taken the House into its confidence. Therefore, they are not doing justice in not defining these things. I strongly protest against this procedure which they have adopted just now.

"Then again, Sir, the Hon. Minister has stated that because the local boards are struggling to make both ends meet and because they are not getting sufficient money, they propose to levy this new tax. For that, I would say, why not they give them some amount from the taxes they collect from other sources. Here, I wish to draw your attention to what Mr. Gopal Krishna Gokhale stated in the Central Assembly at Delhi in those days. This is what he said:

'There is one circumstance of a more striking character to which I must invite the attention of the Council The total contribution from land is distributed in an altogether different manner in France. England and other countries. In England the bulk of the contribution which comes from land goes to local bodies, the Central Government receiving only a very small amount as land tax. In France, more than half the contribution from land goes to local bodies.'

THE HON. MR. C. RAJAGOPALACHARIAR:—"Which is the Central Government that the hon. Member is referring to?"

RAO BAHADUR M. RAMAKRISHNA REDDI:—"I am speaking of the Central Government at Delhi. What I say is, now that you have got all the powers, now that you are independent, why not you pay the local bodies from the land tax instead of asking us to pay for these things in a more polished manner. That was the principle adopted long ago. Now that we have responsible and democratic Government, you are at liberty to give more, say even 40 or 50 per cent. I am inviting your attention to what Mr. Gokhale said in those days, namely, that the Central Government were paying only one-seventeenth of the

land tax to local bodies. That—and I believe the same rate is being continued—was the state of affairs then and I would therefore suggest that the poor man who is already in a very sad plight should not by means of this new levy be made to pay additional taxation when he has to pass through a kacha culvert or bridge as the case may be. I therefore strongly oppose the motion."

*DR. P. J. THOMAS:—"Mr. President, Sir, I warmly welcome the sincere interest that Dr. C. R. Reddi has expressed for the welfare of the rural population and I am certain that his genuine interest in the masses will greatly help in the success of the movement that the new Government of our province has started in regard to rural amelioration. But when he came to the question whether the toll proposed is taxation, I was wondering whether he was talking with undue regard for certain interests, or whether his remarks were based on some misunderstanding of the position. I was not able to understand him fully, but my idea of the subject is different. I think there is a clear distinction between the taxes which are paid compulsorily by individuals and local cesses or rates levied as *quid pro quo*. In this case, I think the Government are trying to levy a charge on conveyances and individuals probably which I hope not, but chiefly on vehicles which use a new bridge or road constructed after 1931. It is really in the nature of *quid pro quo*, which means we are giving to the users of roads certain amenities for which they must pay. Why should the whole country bear the burden for amenities that are available principally to particular localities? People who require such amenities should pay. Dr. C. R. Reddi prefers a cess to a toll. There again I have to differ from his opinion, because I do not see why the whole of a locality should pay a cess or compulsory tax for the advantage of an amenity which only certain users need. The extension of rural communications is essential in many parts of the country. Loans must be raised for this purpose, but these loans must be amortized by some arrangement like a toll, which will put the burden on those who use the bridge or road. Therefore I think that in the interests of the rural population for whom Dr. C. R. Reddi has been very keen and warm, it is best that we raise tolls. At the same time, I do not approve of a general toll on roads. A toll raised for the provision of a special amenity at a time when the local community wants it, is different from the general toll we had formerly in the Presidency. Tolls like this are meant to lighten the burden on the general tax-payer. After all, it is only in respect of an amenity which only one section of the locality gets and so it must be paid for by the users. A general principle of that kind cannot be effectively controverted and I believe that this is the justification for this levy. I do hope that this will not go to the length of the old tolls which were a source of harassment, but that this will be limited as far as possible to those who are having conveyances and will not also be levied on pedestrians, because I think, supporting the general principle enunciated by Dr. C. R. Reddi, we must give to the pedestrians an amenity

like this without payment. Those who own motor vehicles, lorries or even kacha carts must be made to pay because after all these vehicles are taking some goods and are engaged in commercial transport, and *they can afford to pay.*

"There is a great need for the expansion of rural communications. Without such levies, their progress is bound to be slow. Therefore in the interest of the rural masses I support the Bill."

* DR. SIR K. V. REDDI NAYUDU :—" Mr. President, Sir, I regret I have to differ from my esteemed friend who of course is an authority on economic matters and economics, I suppose has a good deal to do with taxation and it therefore requires great courage—which I do not claim to possess—to differ from him. But it is difficult for me to accept the statement that this taxation should be treated as one intended to be recovered from public utility services. Of course, we can understand if a tram is constructed, fees can be collected from those who travel by that tram. But, have there not been instances in which people throughout the country had to pay for particular works executed in a particular part of the country? I believe, the Mopad project has not been paid for by the people of Malabar or the people of Tinnevelly; and the Polavaram island project was completed at enormous cost of about 6 or 7 lakhs. These projects were constructed out of the general revenues of the province, not from the people of Mopad or the Polavaram island, though the people in those localities are enjoying the sole benefit from those works. In fact, almost all the irrigation works that have been constructed from out of the general revenues, benefited only those particular areas. To say therefore that when a particular locality is benefited by a particular bridge the people of that locality alone should bear the cost is not justified by the events that have passed. It is not 12—
also correct to say that only the people of the locality will be paying p.
these fees. You and I, Sir, going along the Godavari bridge that is going to be constructed near Alamuru at a cost of several crores will have to pay fees at the tolls under this system. Everybody will have to pay. But that is not the real point at all. The real objection to this Bill is that you are depriving the poor agriculturists of this province of the benefit which was conferred upon them by that great good man who passed away, the late Mr. Muniswami Nayudu as the Chief Minister of this province. Those that will be affected by this Bill are firstly, the poor bandy-drivers, whether double-bullock or single-bullock cartmen, and secondly the agriculturists. Sir, the Congress Government which professes to have a motherly affection towards the villagers and the agriculturists now taxes them and reduces the value of their produce. For, when these bridges are constructed in particular localities and when the produce of the place is transported in carts or lorries across them and a certain toll is collected on them, it is not the merchant that will pay it, but it is the man that has grown the produce that will pay it by a reduction in the price of his produce. For example if one rupee has to be paid on this account for a commodity worth Rs. 40,

the producer will get only Rs. 39 for that commodity. Thus, it is the producer that will have to pay. That is the crux of the whole thing. Are you justified, in the face of the promises that you have made to assist the agriculturists, to levy this fee from the poor and unfortunate people? Well, Sir, the only explanation which the Hon. Minister has given us is that the Government cannot afford to forego this. I agree. but whose fault is it? To satisfy their puritanic conscience they have destroyed the revenue from excise of over 32 or 33 lakhs this year. This loss will in course of time amount to four crores. They will naturally be deficient in money. They cannot help it. But is that reason therefore valid? Could they have not spent on these things from the revenues of this province? On this account can they, at every turn, come round and say, 'We have no money in our hands.' You have no money in your hands because you did not want it. Though this is not the time for me to go into the question of prohibition, but still I cannot help saying that this is the effect of prohibition. Whether prohibition is good or bad is not our point here. Well, Sir, I should think that if at least the bandies are excluded there may be some justification. Of course it is wrong to compel also the lorries to pay this fee. But in their case the lorrymen will collect it from the agriculturist and the producer in one form or another. I think the Bill is wrong in principle and is not justified on merits. In any case, Sir, charging tolls on bullock-bandies carrying the produce of the land is utterly unjustifiable."

MR. B. NARAYANASWAMI NAYUDU :—" Sir, if I did not rise in the beginning to oppose this Bill, I am not sorry and I am very thankful to Dr. C. R. Reddi for the speech he has made and for the real attack he has made upon this Bill. I do not see any principle on which the Congress party has conceived of this Bill. The speech of Dr. Thomas has raised a very fundamental issue, namely whether it is a utility scheme or a taxation measure. What he claims is that, in a bridge programme for instance, a bridge has to be constructed at a cost of 30 lakhs. The persons living in the outlying areas use it and therefore they must pay for it. That is his proposition. I agree that the proposition is very simple, but the soundness of it with regard to the Madras finances is the very essence of the question that has to be decided. Those people who use the bridge, if they have not contributed to the general revenues of the province, certainly ought to pay for it. But the whole framework of the Madras finances rests on the taxes from those very people. You take from them 7 crores as taxes. You take from them land cess at the rate of one anna for every two rupees. You go further and say, 'Pay 3 pies for education and another 3 pies for compulsory education.' From the very start you have been taxing the rural population for roads, for education and for other things. May I know, Sir, what the general revenues are for, if not for the provision of the facilities like bridges and so on? May I ask Dr. Thomas whether he has contributed one single pie to the general revenues of this province. He is drawing a large salary and he may be paying a contribution by

way of inome-tax. This is not a personal attack, Sir. It is a question of principle. He was talking of *quid pro quo*. The Government have already taken a lot from the people. What did they take it for? Is it not for giving good roads? You have taken two annas in the rupee? What did you take it for? Is it not for giving good bridges? You are also levying further taxes. What are these for? The only revenue-paying person is the ryot. And now you introduce the local utility theory with regard to this taxation. This, Sir, is unconvincing and unjust. You are mixing western economics with the economics of this presidency. From the very start, the financial system of this presidency has to be re-valued and if that is done you will find that from the taxes you collect you must meet the expenses on these bridges and so on.

"Now, what is the incidence of this taxation? My hon. Friend was saying: 'It is *quid pro quo*.' Is it the bullock-cart man who is going to pay this? No. The incidence of this tax will go to the ryot. If 4 annas is paid on a commodity taken across a bridge, it will to that extent reduce the price of the article to the producer. It will eventually fall upon the ryot. He has already paid Rs. 6 per acre and Re. 1-8-0 for education, local cess and so on. And yet you want him to pay more. As my hon. Friend Sir K. V. Reddi Nayudu said, you are going to construct a bridge near Alamuru. Supose a cartload of manure is taken over the bridge and you charge a few annas for it, on the ground that the ryot concerned is getting benefit by this new convenience. What is the benefit that he gets? Nothing. The price of the agricultural produce is not going to be affected by the construction of the Alamuru bridge. The same economic prices will prevail. Therefore it is not *quid pro quo* or anything. You have got to see, in order to keep the level of the prices, that the ryots are not taxed furthermore. Now, Sir, who are the persons occupying the outlying areas. It is unnecessary for us to delude ourselves into thinking that outsiders will come and use this bridge. The Congress Members must realize it. I know, as bas been pointed out by Dr. Sir K. V. Reddi Nayudu, the finances are in this condition because of the prohibition policy. That is, in fact, responsible for this measure.

"The Hon. Minister for Road Development has been starved in the recent Budget. Under this Bill you are enabling the Goverument to levy tolls on any hridge made, repaired or improved. You have got all the three here. Is there any justification for this? Have you got any programme of road construction which requires any specific sum? We have no information. We are allowed simply some general discussion about it. This is absolutely unjustifiable and so with all the emotion that I can command I oppose it tooth and nail. I suggest that the Bill may be dropped till we review the framework of the finances of the province."

MR. MEDAI DALAVOI KUMARASWAMI MUDALIYAR:—"Sir, I oppose this Bill on the following ground: In our presidency, after 1931, the Government have constructed several bridges with the

[*Mr. Medai Dalavoi Kumaraswami Mudaliyar*] [*31st March 1938*

help of grants from the Government of India. If we are to levy taxes now in order to recoup the amount spent on them people will be hard hit. Further, we have yet to construct more bridges. If for these again we tax the people, the burden on the ryots will become unbearable. If this policy of having tools is accepted, there will be in no time tolls levied at every 5th or 10th mile. Before the abolition of the tolls, that was the case. This measure will seriously affect the presidency in various ways. I therefore oppose the Bill."

* THE HON. MR. C. RAJAGOPALACHARIAR:—"Sir, I did not expect that I would be put on my defence over this measure, but I submit, Sir, that I am rightly put on my defence. This is a financial measure which has to be explained by the Government to the satisfaction of the House. The Government have to explain to the House how the proposed levy is to be made. The Opposition, Sir, must certainly offer united opposition to proposals of this kind. I do not think that there is anything else which the Opposition can do except opposing everything that is either a taxation measure or can be interpreted to be a taxation measure. It is the business of the Opposition to thoroughly sift and examine the points before any taxation measure which is proposed is accepted. The country tolerates an Opposition only for this purpose."

Dr. C. Ramalinga Reddi rose.

THE HON. MR. C. RAJAGOPALACHARIAR:—"Is it an explanation for anything, or is it an argument in reply?"

DR. C. RAMALINGA REDDI:—"I just want to say a word by way of personal explanation."

THE HON. MR. C. RAJAGOPALACHARIAR:—"I have not said anything which calls for a personal explanation from the hon. Member. No, Sir, I do not want to prolong the proceedings by a cross-debate. I have not said anything by way of discrediting the Opposition.

"I was saying that it is the proper duty of the Opposition to oppose every taxation measure and to oppose every measure which can be interpreted to be a taxation measure. It is, however, the unpleasant duty of the Government to explain why a new levy is sought to be made. It was said, Sir, that it is not right to go against one's own principle, which has been admitted to be to release the rural classes from as much of the burdens placed upon them as possible, by adding to the burdens that are now heaped upon them, this one more burden. The position unfortunately is this: that it is only the taxes on the rural classes that form the resources of the Provincial Government. All taxes which can be levied from other people are unfortunately taken away from the Provincial Government. Therefore it is only a truism if I say that the Provincial Government has to be satisfied only with tapping the resources which, according to their own principles, should not be further taxed. All the same, however unpleasant it may be, we must be restricted by the limitations placed upon the Provincial Government and

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that is the only explanation for further levies to be imposed upon the rural classes. It has been said against us: 'You have been guilty of prohibition. You have reduced your resources to that extent and you are therefore doing all this.' I admit it. There is no need to apologise for it. Who are the people who are relieved of a certain burden. 12–
They are the people in whose path the temptation to drink was placed. p.
and on account of which this burden arose. So prohibition law removes that burden, and there is nothing to apologise for. On account of prohibition, we have to incur this additional taxation. So there is nothing to hide in that matter; it cannot be hidden, nor do we propose to hide it. Your argument resolves itself to this: when you get a request to have a bridge at a particular place, put the temptation to drink before the people by locating a toddy shop at the bridge, and in this way you can levy an indirect toll rather than a direct toll. I know I can in this way get more revenue. But, that is not the principle on which we are going to work. We prefer to construct new bridges by direct taxation on the agriculturists. I know by locating a toddy shop I can get a revenue of six crores, and this money can be utilized in constructing bridges without anybody knowing from where the money comes. But that is not our policy. We prefer to add a little bit of trouble provided the people are willing. I look forward to the day when we shall have prohibition throughout the whole Presidency, the loss in revenue being made up by the levy of a house tax or a poll tax. It is in this way only that we can remove all toddy shops. And I may inform hon. Members that I have received promises of that kind from several people. Therefore let nobody be deluded by this argument, that as a result of prohibition law the agriculturists are *being taxed again.*

"Now, Sir, let me state the position correctly. With regard to the inequity of tolls it was said that tolls are an obstacle against the agriculturist carrying his grain across a river, and in this connexion reference was made to the passing of the Madras Motor Vehicles Taxation Act, 1931, and tributes were paid to the then Minister, that great and good man, the late Diwan Bahadur B. Muniswami Nayudu for having abolished tolls as though we are by this legislation trying to undo that Act. Under section 14 of that Act, power has been given to the local Government to levy tolls at bridges or on roads. Section 14 runs thus:

'(1) The power of the Local Government to levy tolls under section 2 of the Indian Tolls Act, 1851, shall be exercised only in respect of any road or bridge which they may make or repair after the commencement of this Act at their expense:'

"So really it is not as if we have gone back on that legislation. When they abolished tolls they made a miscalculation as to the revenue they will get from petrol tax and motor tax. While we appreciate the principle on which the Act was passed and while we are grateful to the previous Government for abolishing tolls we must also at the same time recognize the errors they committed. And what the present bill proposes to do is only to correct the position which had not been

adverted to at that time. Even the Act of 1931 reserves the right to Government to levy a toll in respect of any road or bridge which they may make or repair after the commencement of that Act. And what is contemplated there, is big bridges. It is not small repairs; nor is it small bridges; nor is it repairs or works involving a few hundreds of rupees. It is only big bridges, big schemes, costing thousands of rupees that is contemplated in that section and in the present Bill. What is contemplated here, is incurring expenditure of a large amount of money either by both the Local Government and the local body, where they share the expenditure, or where the entire amount has been given as a loan to the local body—the old Act did not cover this latter case, and the present Bill only makes provision for this omission. And in both such cases power is sought to be given to the Provincial Government to recoup that expenditure by levy of tolls either by themselves or by local body empowered to do so by the local Government. Hon. Members will see that the first part of section 2, clause (*a*) is exactly a reproduction of the provisions of the old Act, and it is only the second part. which restricts the levy of tolls. The pathetic picture that was drawn, how hereafter we will be faced with a toll-gate almost at every furlong in the case of districts where there are innumerable unfordable rivers is all beside the mark. For the Bill contemplates levy of tolls only where a loan has been taken by a local body from the Provincial Government, and even there, if the loan is only above a certain specific sum to be determined by Government. Thus it is not in all cases tolls are to be levied. First there shonld be a loan, and secondly the amount borrowed should be above a certain sum specified by Government. In the case of bridges or roads constructed out of local fund sums no toll will be levied. Thus on the whole it is only where capital expenditure has to be incurred on a large scale and where a loan is possible to be taken, can there be the prospect of the levy of a toll.

" Then, Sir, it has been asked why we want to give retrospective effect to this Bill. I submit there is no retrospective effect given at all. The confusion arose in this way. There is already a provision for the levy of tolls in the Act of 1931. The present Act does not say, ' We are including all that here.' If that is done then there would be retrospective effect. The present Act applies only to the case of big bridges started in 1931 and not completed till now. For even though the work was commenced in 1931 the Act cannot apply to it until the whole work is. completed. Therefore it is not correct to say the present measure gives retrospective effect. Suppose a person attains a status of being assessed for income-tax after exercising a calling for fifteen years. If at the end of fifteen years he is assessed for income-tax, you cannot say you are giving retrospective effect, for you are not assessing income-tax on his income fifteen years back. As a matter of fact, I may mention for the information of hon. Members, there are only very few bridges which have been started in or after 1931. There is only one big bridge and it is in the Tinnevelly district, and so I can understand the anxiety of the hon. Member coming from that place.

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" Then Dr. Thomas has been accused of parochial principle. That argument, if extended to undue length, will be ridiculous. What is acceptable in that principle is this: Special tax should not be mixed with general taxation. In a particular locality, people have been getting on without a bridge for a decade and more. They now come forward and say ' we want some increased amenity by way of a bridge; and for this we are prepared to share any additional burden of taxation.' There we have the choice between the lesser of the two evils. It is not a compulsory tax. The question of the tax comes in only when the scheme is to be financed by Government. Thus it is only a temporary inconvenience, so to say, which the people are willing to put up with so that they have easy means of transportation of goods. After all, it is only capitalization of the resources of a particular area. Therefore, there is nothing iniquitous in this proposal. I submit there is a great deal of force in the argument of Dr. Thomas. He only said that for purposes of special amenities to special areas, special taxes should be levied. Such taxes should not be levied so as to affect the general tax-payer.

" Then objection has been taken to the fact that no minimum has been fixed. The amount has been left vague. I submit it has been left to the executive officers to fix. It depends on several factors. It is a quasi-commercial transaction. It depends on the actual traffic that is expected at a particular place.

" Sir, in one place the traffic may be more, and on account of that 12
a bridge may collapse or very often fall into disrepair; and in another P
place it may not be so. So, it is not possible to fix rates of tolls for all time. That is the reason why the particular provision relating to tolls has been left in doubt. I submit we should not get confused with regard to this matter. At this rate we can be going on discussing and doubting everything. I am surprised that it was urged that the cess on lands should be increased, if necessary, and not that every poor agriculturist who takes his paddy or dry produce to the nearest town or municipality should be levied toll and if we did so, it would work great hardship on the poor agriculturist. It was urged by another hon. Member of the Opposition thus: ' Out of the cess you could pay to the local bodies; you have already got that tax; why don't you pay out of it to local bodies? ' Sir, I may say that every pie that is collected is paid to the local bodies. It is not as if the Provincial Government retains even a fraction of a single pie that is levied on agricultural lands as cess, but the entire sum is given either to the local bodies or the Education Department. So there is nothing left with the Government to the credit of local bodies. Sir, probably the original intention of the framers of the previous Act was, not that the land cess should be increased for the purpose of giving an increased grant to local bodies, but that it should be paid from other sources. Now, some hon. Members ask ' why did you cut out the excise revenue; as you have cut out the excise revenue, you must pay the

cess to local bodies from out of land revenue only and not by levying tolls?' Sir, in the same breath, they also say that the land tax is very high; that it is not enough if it is reduced by $33\frac{1}{3}$ per cent but it should be reduced by 50 per cent. According to one hon. Member the land tax should be reduced, suspended or stopped and yet out of land revenue only money should be paid to local bodies for the construction of any new bridges or repair of old bridges. Sir it is very good for Opposition to make such proposals, but it is impossible for any Government to consider them."

* THE HON. MR. K. RAMAN MENON :—"Sir, almost all the various arguments which have been raised by the Opposition have been answered by the Hon. Premier. On going through the discussion which took place in the Legislative Council in 1931 on the Madras Motor Vehicles' Bill, copies of proceedings containing those discussions were kindly supplied to me by the Deputy Secretary of the Legislature this morning—I was able to find that the late Diwan Bahadur B. Muniswami Nayudu, while clause 14 of that Bill was being discussed and while an amendment was sought to be introduced by a Member of the Opposition of that Council, said that Government were levying toll for the benefit of local bodies. On that occasion, the hon. Diwan Bahadur B. Muniswami Nayudu, in opposing the amendment, spoke in the following terms:

'I am sorry I cannot accept it. I know the enthusiasm and the good intentions of the hon. Member who wants this provision. The power of the Government to levy tolls hereafter is limited only to cases, where at their cost, the Government undertake big works. My hon. Friend wants that tolls should not be levied in such cases except with the recommendation or approval of the district board or the municipality; if a municipality or a district board does not approve or make recommendation, the Government will not be able to take up the work and to levy tolls.'

"Sir in that Council when the Bill was under discussion there was no doubt as to whether the Government should have power to levy tolls on bridges or roads constructed or repaired after 1931. It was never the question then. Perhaps hon. Members in that Council realized that it was absolutely necessary, if the Government wanted to realize the charges for the bridges or roads constructed already at their expense, that they should have power to levy toll. Even when it was said by a solemn declaration that Government abolished tolls all over the Presidency and that there would be no more tolls from a particular date onwards, they wanted to retain the power of levying tolls to realize their money which was spent for the construction of bridges or roads or for repairing them after the year 1931. This is what the late Mr. Muniswami Nayudu said at that time:

'I am sorry I cannot accept it; I know the enthusiasm and good intentions of the hon. Member who wants this provision.'

"I repeat what Mr. Muniswami Nayudu said on that occasion. I know the enthusiasm and good intentions of the hon. Members of the Opposition who have been opposing this amending Bill, But I may

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say here that the power of the Government to levy tolls under this Bill is limited only to cases where the Government financed the work after April 1931.

"Sir, again, another question was raised as to why no provision had then been made to recoup the amount that might be given by way of loans to local bodies. The reason is this: it may be that the Government even to-day may be able to build a bridge themselves at their own expenditure and in that case the money need not pass into the hands of the local bodies and the Government are entitled, by virtue of the Act of 1931, to levy tolls. But the Government under this amending Bill wants to go one step further. Instead of spending the money themselves, they may pay the money into the hands of the local bodies and ask them to do the work. In such cases the money passes out of the hands of the Government and is paid to the local bodies, and even in such cases the Government should have some reserve power in their hands to recoup their money by levying tolls. It is easy for them to levy tolls even under the Act of 1931."

DR. C. RAMALINGA REDDI:—"May I ask the Hon. Minister whether that reserve power was exercised by the Government all these years?"

THE HON. MR. K. RAMAN MENON:—"It was not used all these years. Hon. Members are aware that levy of tolls under the previous Act was contemplated only in cases where new bridges were constructed. I can assure hon. Members that no tolls shall be levied even under this Bill except in cases were bridges are newly built or repaired after 1931. After 1931 only one major bridge was built and it is now nearing completion. That bridge cost the Government about Rs. 3·72 lakhs. Now the Government want to levy tolls only in such cases."

DR. C. RAMALINGA REDDI:—"May I ask why the Government should make use of the word 'improved', if they say that they are going to levy tolls only in cases where they have built new bridges?"

THE HON. MR. K. RAMAN MENON:—"'Built or repaired' is the very expression that was used in the previous Bill. Now also the same expression with a slight modification has been used; because there may be cases where a bridge which has gone out of repair may require pretty large amounts. The local body might have previously rebuilt or made a bridge, and it may require some improvements now. In such cases it is absolutely necessary that Government should have power to levy tolls. After all it is a question of repeating the same expression as is contained in the existing Act in a different form. The wording of section 14 is 'the power of the local Government to levy tolls under section 1 of the Indian Tolls Act of 1857 shall be exercised only in respect of roads or bridges which they may make or repair.' I do not think the hon. Member Mr. C. R. Reddi should carry it too far

because of the slight difference that he finds on account of the fact that the word 'improve' is not found in the previous Act. I should think that 'improving' is certainly better than 'repairing.' My hon. Friend asks why the word 'improve' was not there in the previous Act. I say he may be permitted to improve the Act that was passed in the year 1931. (Laughter.) Now, Sir, the late Diwan Bahadur Muniswami Nayudu said at the time when the Act was passed—

'My hon. Friend wants that that tolls should not be levied in such cases except with the recommendations or the approval of the district board or municipality; if a municipality or a district board does not approve or make recommendation the Government will not be able to take up the work and levy tolls. That will only mean that Government will be under the sweet will and pleasure of the local bodies when they have to execute important works. It is necessary that if a work is undertaken the Government should have power to levy tolls. I want that an exception should be made in cases of that sort. If the local Government want to permit them to take up a work and that they will have to incur extra expenditure; in such cases the Government should be compensated by levying tolls.'

"I read this to show that power was reserved in the hands of the Government to recompense themselves for the extra expenditure that they might have to incur. This Government says that they may be permitted to have that provision as it is. We do not ask for anything more."

DR. C. RAMALINGA REDDI:—"In the case of bridges built entirely by the Government he was certainly extending the principle."

THE HON. MR. K. RAMAN MENON:—"True, previously only in the case of bridges built entirely by Government themselves the Government had the power to the levy of tolls. But now even in cases where monies are advanced by way of loans or grants to local bodies, and where bridges are built out of such loans, we want to have power to levy tolls. If really we want to utilize this power we could do it under section 14 of the Madras Motor Vehicles Taxation Act. Whether money is spent by Government or given by way of loan to local bodies it is all the same. It is only to recompense the Government for their expenditure, that this toll is intended.

"I do not want to take up more time of the House by reading from the Council Proceedings of 1931. The answer has been given by the Hon. Minister and I am sure hon. Members of the Opposition will not grudge giving us this power. This Act has been left to us as a legacy by the late Diwan Bahadur B. Muniswami Nayudu. One hon. Member asked whether pedestrians are also going to be taxed and whether Government, inasmuch as they have not specified the rates of toll they may fix the rates as they please. There also I may say it is a legacy left to us by the previous Government. I would request hon. Members to read the schedule of the Madras Motor Vehicles Act which fixes the maximum limit of tolls. That is the thing. We are only amending that Act. That Act remains in force, so that the rate we can levy will be as given there. That was a power given to the Government under

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the Act of 1931. We are not usurping any more powers to levy more tolls because of the Prohibition Act and the consequent loss in Excise revenue. We are only making use of that Act as the occasion demands it.

" Then there was the question of retrospective effect being given. The Hon. Premier has dealt with it fully and I do not think there is any necessity for me to deal with it any more."

The motion was put and carried and the Bill was taken into consideration.

Clause 2.

* Rao Bahadur N. R. SAMIAPPA MUDALIYAR:—" I beg to move the amendment that stands in my name, that is:—

> ' In clause (*a*) of sub-section (1) of new section 2 in line 2, *add* after the word " *expense* " the words " *from out of loan funds* ".'

" Sir, the clause with my amendment incorporated will read—

> ' Any road or bridge made, improved or repaired at their expense from out of loan funds after the 1st April 1931.'

" My suggestion is that toll ought to be levied only when Government spend money for repairing the road from out of their loan funds. If they spend money from out of their ordinary resources or from out of the grant of Government of India, they are not justified in levying the toll. It was stated just a few minutes before that the present subclause (*a*) is more or less exactly a reproduction of the clause in the previous Act in order to improve the form. I only want a further improvement to the improved form. It was said that the works undertaken in pursuance of the Vipan scheme would also be brought under this Bill."

* Mr. PRESIDENT:—" Will the hon. Member speak on the amendment and nothing beyond it? "

Rao Bahadur N. R. SAMIAPPA MUDALIYAR:—" I am not going beyond that. The Hon. Minister said that the schemes taken in pursuance of Mr. Vipan's report would not be coming under this class. That is why I am referring to it now. At the time when the Vipan scheme was prepared it was not understood that tolls would be levied in respect of those works. The Government are certainly going back upon what they said by introducing tolls as they propose to do by introducing this provision. It seems that they are altogether expounding a new theory. Seeing the reasonableness of my suggestion, I hope the Government will accept the amendment."

The motion was duly seconded.

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* DR. C. RAMALINGA REDDI :—" It would be well if my hon. Friend can make it clear that he is not going to levy tolls in respect of improvements and constructions made from out of the grants from the Provincial Government. It is another thing altogether if a loan is raised for building a bridge or constructing a road and the Government may justify the levy of tolls. But in respect of works carried out from out of the revenues of the Province, it should be made clear that for whatever is met from the revenue the poor ryot will be entitled to his share of its use as a matter of right."

* THE HON. MR. K. RAMAN MENON :—" I oppose the amendment. I am sure my hon. Friend, Dr. Reddi, will permit me to state at the outset that we are not in any way reversing the policy of Mr. Muniswami Nayudu. Section 14 of the 1931 Act clearly contemplates the levy of tolls in respect of roads or bridges which the Government may make or repair at their expense. We are doing nothing more than that here. It is not possible to classify the various funds and earmark certain funds for certain purposes and to set them apart for a certain purpose. I cannot accept the amendment for it would nullify the scheme underlying this Act."

The amendment was put and lost.

* RAO BAHADUR N. R. SAMIAPPA MUDALIYAR :—" Mr. President, Sir, I move—

> '*In clauses (a) and (b) of sub-section (1) of new section 2, for the figures* " 1931 " substitute " 1938 ".'

" It is true that retrospective effect has not been given to the collection of taxation, but if any amount has been spent in improving such bridges after 1931, tolls can be levied. Even if a small sum has been spent upon the repair or the improvement of a bridge after 1931, the Government can levy tolls. Certainly when the construction of bridges was made (from out of the grant amount), that is from 1931 to the present day the people were not told that tolls would be levied. It would be hard to levy a toll now when they, at the time the grant was made, even the Government did not expect that tolls would be levied. So, I suggest that only in case of future construction alone levy should be made. If they know that the levy of toll is the condition precedent to the grant and if with their eyes open the board and the people obtained the grant, there could be no room for complaint. If there is a previous intimation, it is just possible that the boards may not have even applied to the Government for grants. It is not right on the part of the Government to seek to levy tolls in respect of old bridges. I hope that this amendment will be accepted by the Government."

* DR. C. RAMALINGA REDDI :—" During the course of the general debate, it never appeared that there was ever any possibility of retrospective effect to this scheme. It has been also admitted that

practically the reserve power of the Act of 1931 has never till now been exercised. Further it has been admitted that it applied only to bridges, etc., built *entirely* at Government expense—an exceptional occurrence, which does not seem to have materialised. My view has always been this, that that power was kept more in reserve for the sake of bridges which might be built entirely by the Government at their own expense and that it would not apply to any contribution made to the local bodies. Effect was not given to it because no such bridge was constructed entirely by the Government. That was to have been exceptional and not normal. At present we are trying to rope in bridges in respect of which contributions and grants were made by the Government. Only one bridge was completed since 1931 and the acceptance of this amendment would not much affect the general scheme of the Bill and there is no reason why the Government should not accept the amendment. Furthermore, the language of the present Act is wide enough to cover nearly all bridges under the terms 'improved, repaired, etc.' By accepting the amendment, I think they will only be giving effect to the sentiments and opinions expressed during the general debate. They will not also be depriving themselves of any real power since 'improvements and repairs' will cover the necessary cases."

* Mr. PRESIDENT:—"Rao Bahadur Ramakrishna Reddi has given notice of a similar amendment and he can speak on this amendment.'

* Rao Bahadur M. RAMAKRISHNA REDDI:—"The Government while giving the grants to the local bodies have not definitely told them that by taking the grants from the Government, they were bound by the regulations that are being framed just now by the Government in the matter of tolls. Perhaps having regard to the peculiar conditions of certain districts, the local boards would have refused, if they had only known that such coercive laws would be made because the disadvantages would outweigh the advantages in some cases, especially, this would have been done in the case of the Ceded districts. All that I would say is 'give effect to this proposal if you are so particular but let it be from 1938' so that the local bodies may know beforehand that they are bound by the regulations which the Government are going to make in the matter of levying tolls if they are to go in for any loan or grant from the Government. It is on that ground that I have given notice of my amendment."

* The Hon. Mr. K. RAMAN MENON:—"It is not as if the Government is bent upon levying tolls even in the case of a local body which, having taken a loan for purposes of construction of a bridge has used it for that purpose and which wants to repay that amount without having recourse to the levy of tolls. I do not really understand why the Government should be anxions to have the toll levied, if the local body does not want it to be levied and if it is prepared to pay back the loan amount without having recourse to the tolls. My hon.

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Friend, Dr. Reddi, need not be under the impression that the Government is hereafter going to collect all the amounts that they have given to the local bodies by sitting tight upon them and levying tolls on all the various constructions that have been made by the local bodies. If they are prepared to give back that amount, the Government will only be too glad. It has to be remembered that the Government has no interest in this except that it acts something like a post office. It has been provided in the amending Bill that 'all sums payable to local bodies under sub-section (3) shall be charged on the revenues of the Province.' My hon. Friend, Dr. Reddi, said that in the course of a few years all bridges would be subjected to the levy of tolls by the Government spending some money upon its improvement or repairs. If that be so, the putting in of '1938' or even '1940' will not materially alter the situation, for Government can as well expend something that year itself so that they may be enabled to levy the tolls. Hon. Members should take it that the Government do not propose to do anything by the back-door. It is to be remembered that it has been provided that the local bodies are not entitled to recoup funds provided for this purpose if it came from their general revenues. So far as the Government is concerned, it is only to the extent that they have spent for repairing or construction or improvements of bridges or roads that they are entitled to recoup by way of levy of tolls. It is not possible that the Government would want to harass the poor bullock-cart man by constructing and improving bridges all round for levying tolls. I do not really understand why the Government should spend money for an unnecessary proposal and then want it to be recouped by way of levy of tolls unless it be that the Government are possessed with a demoniac tendency of harassing poor bullock-cart drivers which charge, I am sure, hon. Members will not lay at our doors. I may be permitted to state that there would have been no need for these amendments if only the hon. Members had read through the Act and had tried to find out the intentions of the Government."

The amendment was put and lost.

15 m. * RAO BAHADUR N. R. SAMIAPPA MUDALIYAR :—" I move my next amendment, viz. :—

> 'In clause (b) of sub-section (1) of new section 2, *omit* all the words after the word "*below*" in line 8 and *substitute* the following :—
>
> "*Rs.* 25,000 *provided the expenditure is met out of the loan funds* ".' "

DR. C. RAMALINGA REDDI :—" Is not this amendment out of order, Sir? The question of 'loan funds' has been discussed on another amendment and has been disposed of; if this sum of Rs. 25,000 is to come out of the loan funds, I think the amendment is not in order."

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* MR. PRESIDENT :—" Yes, it is out of order."

* RAO BAHADUR M. RAMAKRISHNA REDDI :—" I move the following amendment :—

' *Add* the following words at the end of clause (*b*) of sub-section (1) of new section 2 :—

" *Provided that the Local Government shall obtain for such levy of tolls the previous sanction of the local body or bodies concerned* ".'

" The idea underlying this amendment is that before a toll is actually levied in respect of any bridge, the Governmnet should give notice to the district board concerned and ask whether it would have it or not. If the district board says that it is badly in need of money and would like to have this tax, even though it may entail some trouble to the ryots of the district, then it may pass a resolution to that effect, and then toll may be levied by the Government. In other words, what I want to say is that the district board should be allowed an opportunity to consider the difficulties in a particular locality and give an assurance to the Government that it is willing to abide by the decision of Government. That is why I say in the amendment that the Local Government should intimate their idea of levying a toll to the district board and obtain its previous sanction for such levy."

MR. B. NARAYANASWAMI NAYUDU :—" I second it."

* THE HON. MR. K. RAMAN MENON :—" I oppose this amendment, Sir. This is almost on a par with the amendment that was moved in regard to the substitution of the year ' 1931.' I am sure that my hon. friend does not want that I should do a thing which was found by the then Government to be an unacceptable proposition. I am sure that my hon. friend does not also desire that the Government should go on bended knees before the local body concerned and ask for its sanction to levy a toll, after the Government have given a loan to the local body, saying ' you may be pleased to allow a toll being levied.' I suppose that is not the intention of the hon. Member in moving this amendment; and perhaps also he has not contemplated what the implications of this amendment would be. I hope, Sir, that he will withdraw the amendment."

RAO BAHADUR M. RAMAKRISHNA REDDI :—" I have no objection to withdraw the amendment."

The amendment was, by leave, withdrawn.

* MR. PRESIDENT :—" The next two amendments relate to the exemption of bullock carts. One has been given notice of by Mr. Samiappa Mudaliyar and the other by Mr. Ramakrishna Reddi. I think we can take up Mr. Samiappa Mudaliyar's amendment, as that is more comprehensive."

RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—"I beg to move, Sir—

'That a new clause be added after sub-section (1) of new section 2 as follows:—

"*Notwithstanding anything contained in this section, no toll shall be levied on bullock carts and cattle*".'

"I do not propose to speak on this amendment, as this subject has already been fully thrashed out. I formally move it."

* RAO BAHADUR M. RAMAKRISHNA REDDI:—"Mr. President, in seconding this amendment, I beg to bring to the notice of the Government that a large number of villages are very close to first-class and second-class roads. As a matter of fact, in my taluk, we have got what is called the Panabakam firka. The whole of this firka lies between two hills within a distance of about a half a mile from each other, and between these two there is a second-class road, a railway line and there are also a number of villages. All the villages are lying within half a mile from the second-class road; and if any ryot wants to go to the adjoining forests or wants to carry cattle-manure from his house to the neighbouring fields, owing to the natural conditions of the valley, he has necessarily to pass through many bridges or culverts. And under the present Act, even if the ryot wants to carry cattle-manure to his adjoining fields, he will have to pay a toll. No doubt the Government might have spent some thousands of rupees on their construction after the year 1931: but the question is whether ryots who carry manure and other things useful to them in their daily life to places very near their homes, should be asked to pay this toll. I can understand a ryot being asked to pay a toll if he takes his bullock cart from one taluk to another or to some long distant place; but in the case that I refer to, the ryot will have to travel only a few furlongs; and on account of the natural conditions of the country in that locality, there may be many bridges that he has to pass. As a matter of fact, the ryot already contributes indirectly towards half the cost of the bridge; why should he pay again another tax if he has to carry manure to his fields? As I said, in the firka that I referred to, there are two hills side by side and there is also a railway line; the ryot cannot but use the road in such a place almost every day. And is he to pay a toll every day on that account? That is the reason why I say that bullock bandis should be exempted; otherwise there will be a real hardship caused to these poor people. I have already explained to the House on previous occasions how these poor people are not able to take back the capital invested by them on the land. We have been made to understand by the Hon. the Premier in the course of his speeches that a bulk of these agriculturists are drunkards and they are helped a good deal by introducing prohibition. I may inform him, Sir, that only a very small percentage, one or two per cent of the total agricultural population, go to the toddy shops. It is only the

labouring classes in the villages that go to these shops; the bulk of the agriculturists are not in the habit of drinking. Apart from that, just because the Government loses so much money on account of prohibition, should the ryot pay another tax in the shape of this toll? I should say, Sir, that by the measure of prohibition, we will be only helping the labouring classes and not really the agricultural population. I second the amendment."

* DR. C. RAMALINGA REDDI:—" Sir, I do not want to go into the merits of this amendment, more than has been already done. I think that if Government see it fit to accept this amendment—which perhaps, as Mr. Thomas stated, would leave the door open for a toll on pedestrians (laughter)—there would not be so much of popular opposition or unpopularity attached to this Bill. I do sympathize with my hon. Friend, Mr. Ramakrishna Reddi, when he referred to the inexpediency of tying up bridges with toddy shops. For, the people whom you want to prohibit by prohibition may not be the people who will be hit by tolls and other such levies. However, I know there is this remedy in the hands of the district board, that it could avoid the Government levying tolls by paying off the loans taken from the Government. Similarly, I take it that exempting the bullock carts will not mean that there is any idea of levying tolls on the pedestrians; any way, I am not sure. Do the Government want to levy tolls on pedestrians? (After a pause) I do think, Sir, that if this amendment is accepted, it will practically take away most of the Opposition to the Bill."

MR. D. MANJAYA HEGDE:—" I support this amendment. In doing so, I wish to state that the rich people can afford to pay these tolls. A toll levied in respect of these bridges will affect more the poor bullock-cart owners than the motor bus owners. Poor people who live by plying bullock-carts from place to place would be hard hit by these tolls. I am not saying anything against the general principles of the Bill; but I say this amendment should be accepted in the interests of the poor people."

* THE HON. MR. K. RAMAN MENON:—" I oppose the amendment; and in doing so, I may be permitted to take some time so as to clear certain misunderstandings in the minds of hon. Members on the other side as regards the actual extent of operation of this Act. No assurance is necessary from me on the floor of this House; it has been clearly laid down in the measure that if the Government out of their own funds constructed a bridge or repaired a bridge or made improvements to a bridge, after the year 1931, they may levy a toll. Such construction, repair or improvement will be really very rare, because the Government have very few roads vested in them or bridges for the matter of that; and therefore, such contingencies are likely to be rare. They own a few roads in the Agency Tracts and a few ghat and other

roads; and in such cases, the Government generally spend to erect a bridge where there is no bridge or to repair a bridge which, but for repair, would be unusable by the bullock-cart man, or to improve it so as to give him greater facilities for transport purposes. In such cases, I submit they should be permitted to levy a small toll. The bullock-cart man is having so much of sympathy in this House; in another place, the poor motor-car man also had his sympathisers; but in this House, the poor motor-car man does not seem to command so much of sympathy; sympathy here extends only to the bullock-cart man, and it is said that he should be exempted from toll. But, I say he will have to pay only if the bridge is constructed, repaired or improved after the year 1931. All the bullock-cart people have been paying tolls up to 1931, not for particular bridges only, but for all kinds of bridges and roads. The Motor Vehicles Taxation Act in 1931 said: 'Because you have been paying tolls all these years, I exempt you from paying tolls hereafter; I want to give you some little respite.' Then what happens? There are many rivers which require to be bridged and in respect of which the poor villagers and even the poor bullock-cart owners would be quite glad and willing to pay not only the toll which they used to pay before 1931 but even double that, if only the local body concerned would construct a bridge thereon. There are rivers which are unfordable in certain seasons and which have no bridge at all. In such cases, the bullock-cart man is not able to take anything from one side to the other; and he will be prepared to pay something for transport over the river. And it is only that small amount which he will be willing to pay that is now sought to be taken from him in the shape of a toll. After all, Sir, the Government will not agree to give a loan or grant to a local body if it merely wants to spend a few rupees on improving or repairing a bridge. These loans or grants are not given to local bodies for the mere asking. The Government in the first instance call upon the local body to state the purpose for which the loan is asked; and if it is for spending a few thousand rupees on the repair or improvement of a bridge, they say: 'These are expenses which you ought to meet from your own revenues, for the benefit of your people and should not be met out of loans or grants. In such cases . . .' "

MR. B. NARAYANASWAMI NAYUDU:—" Party or no party? "

THE HON. MR. K. RAMAN MENON:—" Yes, party or no party so long as we are here. I do not know what it will be when those who are now in opposition came into our place.

" Now, Sir, I may be permitted to read the sub-clause (2); it says:—

'(a) *in the case of tolls levied under clause (a) of sub-section (1), for the recovery of the amount expended upon the road or bridge or such portion of such amount as the Provincial Government may determine, together with interest thereon at such rate as they may fix; and*

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(b) in the case of tolls levied under clause (b) of sub-section (1), for the recovery of the amounts expended upon the bridge—

(i) by the Provincial Government, and

(ii) by the local body or bodies otherwise than from its or their ordinary revenues.' "

"I suppose, Sir, that makes the position quite clear. My hon. Friend Dr. Reddi knows that if the local body spends a few rupees from out of its general revenues, the Government will not give either a grant or a loan and that only in cases where the loan is required such loan will be granted, on consideration of the merits of each case. I oppose the amendment."

The amendment was put and declared lost. A poll was demanded by Rao Bahadur N. R. Samiappa Mudaliyar and by Mr. B. Narayanaswami Nayudu. It was accordingly taken with the following result:—

Ayes.

1 Diwan Bahadur R. Srinivasan.
2 Rao Bhadur N. R. Samiyappa Mudaliyar.
3 Khan Bahadur Sir Mahomed Usman Sahib Bahadur.
4 Rao Bahadur M. Ramakrishna Reddi.
5 Munshi Abdul Wahab Sahib Bahadur
6 Mr. B. Narayanaswami Nayudu.
7 ,, S. K. Ahmed Meeran.
8 Mr. Sayed Abdul Wahab Bukhari.
9 Dr. C. Ramalinga Reddi.
10 Mr. D. Manjayya Hegde.
11 ,, S. J. Gonsalves.
12 ,, Medai Dalavoi Kumaraswami Mudaliyar.
13 Dr. Sir K. V. Reddi Nayudu.
14 Rao Bahadur M. Raman.
15 Mr. J. A. Saldanha.

Noes.

1 The Hon. Dr. T. S. S. Rajan.
2 Mr. R. Srinivasa Ayyangar.
3 ,, V. V. Jogayya Pantulu.
4 ,, K. Madhava Menon.
5 ,, A. Rangaswami Ayyangar.
6 ,, N. Sankara Reddi.
7 ,, B. Bheema Rao.
8 ,, K. V. Srinivasa Ayyangar.
9 ,, L. Subbarama Reddi.
10 ,, M. Narayana Menon.
11 ,, M. Narayana Rao.
12 ,, T. A. Ramalingam Chettiyar.
13 ,, K. Venkataswami Nayudu.
14 Mr. L. Subba Rao.
15 ,, V. Ganga Raju.
16 ,, D. Sriramamurti.
17 ,, V. Venkatapunnayya.
18 ,, N. Venkatachalamaji.
19 ,, K. P. Mallikarjunudu.
20 ,, P. Veerabhadraswami.
21 ,, Nadimpalli Subba Raju.
22 ,, C. Perumalswami Reddiyar.
23 Dr. P. J. Thomas.
24 Khan Bahadur Hamid Sultan Marakkayar.

Ayes 15; Noes 24.

The amendment was lost. 1 P

*RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—"I beg to move the following amendment:—

'*In clause (a) of sub-section (2) of new section 2,* omit *the words " at such rate as they may fix " in lines 6 and 7 and* substitute *the words " at the rate at which such loan funds have been borrowed ".*'

" Sir, it stands to reason that if the Government do not pay any interest themselves they are not justified in calculating interest on

the amount they spend and recovering it from the tolls they levy. I hope, Sir, that at least this innocuous amendment will be accepted by the Hon. Minister."

The amendment was duly seconded.

* THE HON. MR. K. RAMAN MENON:—"Sir, it is only when any interest is due to the Government that it is intended to charge interest on the amounts spent and recoup it from the tolls. The words, 'at such rate as they may fix' are put in the Bill because sometimes the amounts spent for the purpose may have to be treated as loan money. Under certain circumstances the money spent by the Government may not be absolutely their own although they may have complete control over the use of it. There is no reason for any anxiety on this score, because the toll will cease to exist on the date when the amount is paid up. There is probably a misapprehension as to whether the Government want to make a profit out of it, but I may say that the Government have no idea of making a profit out of it."

The amendment was put and lost.

RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—"Mr. President, Sir, I beg to move the following amendment:—

'*In section 2, sub-section* (2) omit *clause* (*b*)'."

The amendment was duly seconded.

* THE HON. MR. K. RAMAN MENON:—"I oppose the amendment because it negatives the whole Bill. I am not sure whether it is the intention of the hon. Member to sabotage the whole Bill by a small amendment like this. My hon. Friend probably thought that it will escape my notice. The result of accepting the amendment will be to defeat the whole Bill. I am sorry, Sir, I have to oppose the amendment and oppose it vehemently."

The amendment was put and lost.

* RAO BAHADUR M. RAMAKRISHNA REDDI:—"Mr. President, Sir, I beg to move the following amendment:—

'*Add the following proviso to sub-section* (2):—

"*Provided the levy is to be restricted to the recoupment of the expenditure actually incurred and is not under any circumstances to be made for the purpose of augmenting the revenues either of the local bodies or of the Government.*"'

"Mr. President, I do not want to speak much on this subject. It is clearly stated in the Statements of Objects and Reasons that the levy is to be restricted to the recoupment of the expenditure on the work and that it is not intended for the purpose of augmenting the revenues of the Government or of the local bodies. The Hon. Minister was also pleased to tell us in his introductory speech that it was only on that principle that the Bill has been introduced. Why I feel some doubt about it is because it is not so plain in the Bill. I, therefore,

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suggest that what is said definitely in the Statement of Objects and Reasons should be incorporated in the Bill itself. No doubt clause (a) of sub-section (2) of section 2 says—

'*in the case of tolls levied under clause (a) of sub-section (1), for the recovery of the amount expended upon the road or bridge or such portion of such amount as the Provincial Government may determine, together with interest thereon at such rate as they may fix.*'

"No doubt it indicates the polilcy of the Government. But, my fear is that it is not so plain and it should be made more plain and definite so that there may not be any complication in the future. Inasmuch as the Government have made their object clear in the Statement of Objects and Reasons, I do not think they will have any objection to accept this amendment."

RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—"I second the amendment."

* THE HON. MR. K. RAMAN MENON:—"Sir, there is objection to accepting the amendment. It is not at all in consonance with legislative enactments. Whatever is intended to be done is specifically provided for. It is said specifically that the amount will be restricted, and that the rate and the period will depend upon the amount spent by the Local Government or the local body. I think that such words as, 'It will be restricted to the recoupment of the expenditure actually incurred' and so on are absolutely unnecessary. The section as it stands is quite clear and no more words need be added to make the position clearer. I oppose the amendment."

The amendment was put and lost.

Clauses 2, 3, 4 and 1 and the preamble were put and carried.

* THE HON. MR. K. RAMAN MENON.—"I move, Sir—

'*that the Bill be passed into law.*'"

The motion was put and passed and the Bill was passed into law.

The Council adjourned for lunch till 3-30 p.m.

(After Lunch—3-30 p.m.)

IV.—RESOLUTION *RE* CONSTITUTION OF SEPARATE PROVINCES ON LINGUISTIC BASIS.

* MR. K. P. MALLIKARJUNUDU:—"Sir, I beg to move the resolution standing in my name, which reads as follows:—

'*This Council recommends to the Government that the view of this Chamber of the Legislature of Madras be communicated under section 290 of the Government of India Act, 1935, to His Majesty in Council that steps may be taken as early as possible for the constitution of separate provinces so as to place under separate autonomous provincial administrations, the areas wherein the language predominantly spoken is respectively Tamil, Telugu, Kannada and Malayalam.*'

"Sir, I consider myself exceptionally fortunate in having the honour of moving this resolution. In moving this resolution I wish to place before this House certain relevant facts which I believe would convince the hon. Members, of the propriety and the necessity for this resolution.

"The question raised by this resolution is one intimately connected with the governance of this country. The formation of provinces on the basis of language has been the subject of long-standing agitation, and is more or less assumed as the correct basis on which formation of provinces can be made. Still, I wish to explain it to the House in my own humble way.

"States are organizations invented by man for the purpose of fulfilling, what I may call, national personality. Students of political science are familiar with the idea that language and race are some of the most important factors in the formation of States. Unity of language conduces in a far larger measure to unity of design, unity of purpose, and unity of action on the part of the Members of the State. Smooth and efficient working of the administrative machinery is more easily achieved in a uni-lingual-State than in a bi-lingual or multi-lingual State. Language is not a mere symbol of thought, as some people imagine. But, it is its own manifestation. Language and thought are one and the same and they are indivisible, as the greatest of poets, Kalidas, described in his famous work 'Raghuvamsa' . . . When two or more languages happen to operate in the same field there are greater possibilities of conflict of ideas and the clash of opinions which naturally block the path of national progress. Adoption of vernacular language helps us to democratise representative institutions and opens up the fertile field for the growth of real responsible Government. It helps to pass leadership into the hands of enlightened rural population. Political consciousness of the masses will be aroused, and people will begin to take a live interest in the governance of the country and take their due place in the formulation of national policies. I am therefore of opinion that the importance of language in the formation of States cannot be over-emphasised.

"I now proceed to examine my observations in the light of official documents and statements made by eminent British statesmen and also in the light of opinions of responsible national organizations. I crave the indulgence of the House for taking the hon. Members through some of the official records.

"Sir Thomas Holderness, once Under-Secretary of State for India said, 'with the exception of Burma, no province represents a natural unit; that is to say, the provinces do not stand for differences of race or language or geographical distribution. They are purely administrative divisions of territory.' Again, Sir, Bamflyde Fuller, a former Lieutenant-Governor in India, said, 'It would have been well for the country, had its divisions into provinces for purposes of Government followed the lines marked by race and language so as to reinforce the

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sympathy which arises from similarity, by feelings of pride in the Local Government. The existing administrative divisions are so heterogeneous as to have a directly contrary effect."

"In the year 1870 Sir George Chesney advocated the constitution of Orissa as a separate province on linguistic basis. In the year 1900 Sir Francis Young Husband pleaded for the formation of territorial provinces on the basis of language. In the year 1902, Lord Curzon wrote—

'The question of territorial and administrative redistribution in India is indeed in our judgment one of the most urgent and vital of the many problems for which we at present are endeavouring to find a solution.'

"I may next invite the attention of the hon. Members to the famous statement made by Lord Hardinge, dated 25th August 1911, when he said:—

'We are satisfied that it is in the highest degree desirable to give the Hindi speaking people now included within the province of Bengal a separate administration. These people have hitherto been unequally yoked with the Bengalees and have never therefore had a fair opportunity for development.'

"In another place, he said:

'No greater facilities can be given to the people of India than fostering of local patriotism by the construction of a new map on an ethnological and linguistic basis and the consequent friendly inter-racial competition for civilized progress and ultimate autonomy.'

"With your permission, Sir, I will now read from the Montague report. In paragraph 246, it is written as follows:

'We are impressed with the artificial and often inconvenient character of existing administrative units. We have seen how historical reasons brought them about. We cannot doubt that the business of Government would be simplified if administrative units were both smaller and homogeneous. It is also strong argument in favour of linguistic or racial units of Government. But we are bound to indicate our own clear opinion that whenever such redistributions are necessary and can be effected by process of consent, the attempt to do so should be made and therefore we desire that it should be recognized as one of the earliest duties incumbent upon all the reformed provincial governments to test provincial opinion upon schemes directed to that end.'

"Let me now read some extracts from the memorandum submitted by Sir Lionel Curtis before the Joint Parliamentary Committee that preceded the Reform Act of 1919.

"On page 492 of his book on Dyarchy he says:

'Speaking as one unhampered by official responsibility, I can only say that I think that in their position, I should have done so, believing as I do that the institution of responsible government in provincial areas of appropriate size and based on racial linguistic units will bring India nearer to the final goal by many generations.'

"Then again in paragraph 12 of the same memorandum, on pages 495–496, of his book on Dyarchy, he says:

'I would earnestly recommend the Committee to advise parliament that any clear request by the members representing a distinctive racial and linguistic territorial unit for its constitution as a sub-province may be taken as a *prima facie* case on the strength of which the Secretary of State may appoint a commission of enquiry.'

"The same gentleman, in his 'Letters to the People of India' in paragraph 16, page 406 of the same volume says like this:

'But unity of language, race and religion are also important factors, and language is the most important of all.'

4-45 p.m. "Sir Lionel Curtis further says:

'The greatest obstacle to a real extension of popular Government in India is the practice of conducting public business in the English tongue.'

"I will now read from the report of the Joint Parliamentary Committee that preceded the Montague Reform. They say:

'On the one hand, they do not think that any change in the boundaries of a province should be made without due consideration of the views of the Legislative Council of the Province. On the other hand, they are of opinion that any clear request made by a majority of the Members of a Legislative Council representing a distinctive racial or linguistic territorial unit for its constitution under this clause as a sub-province or a separate province should be taken as a *prima facie* case on the strength of which a commission of enquiry might be appointed by the Secretary of State and that it should not be a bar to the appointment of such a commission of enquiry that the majority of the Legislative Council of the province in question is opposed to the request of the minority representing such a distinctive territorial unit.'

"This principle was accepted by the Parliament and was incorporated in section 52-A of the Government of India Act, 1919.

"Sir, permit to read an extract from the Reforms Enquiry Committee presided over by Sir Alexander Muddiman in the year 1924. In paragraph 58, page 50, they say:

'A measure of responsible government has been introduced in the nine Governors' provinces, but these units have been shaped, as explained in the Montague-Chelmsford Report, by the military, political or administrative exigencies or conveniences of the moment and with small regard to the natural affinities or wishes of the people. Several of the provinces present features rivalling in their heterogeneity India itself. The populations of three of them Madras, Bengal and United Provinces, exceed forty millions. We admit that for administrative purposes when several units are subordinated to a central unit, it is desirable that the number of such units should be small. We are however now considering the difficulties in the working of responsible Government in India and we feel that these difficulties are certainly much enhanced by reason of the large size of the provinces, their artificial and unnatural boundaries and the want of homogeneity in their populations.'

"Now, I will quote from the Simon Report, Volume II, page 55, paragraph 68:

'In the previous chapter, we have urged the importance of taking up without delay the question of what readjustments in provincial boundaries are required and we should hope that the general result of any redistribution which is decided upon will be to reduce the average size of the Governor's provinces.'

"Then again in Nehru's report, it is stated as follows at page 122—Recommendations:

'The redistribution of provinces should take place on a linguistic basis on the demand of the majority of population of the area concerned, subject to financial and administrative considerations.'

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"Again at page 61 of the Nerhu Report it is stated

'Every one knows that the present distribution of provinces in India has no rational basis. It is merely due to accident and the circumstances attending the growth of British power in India. As a whole it has little to do with geographical or historical or economic or linguistic reasons. Even from the purely administrative point of view, it is not a success. It is clear that there must be a redistribution of provinces. What principles should govern this redistribution? Partly geographical and partly economic and financial but the main considerations must necessarily be the wishes of the people and the linguistic unity of the area concerned.'

"Then again in the Simon Report, Volume II, paragraph 38, page 24, there is another passage:—

'But first, we must make an observation on the size and shape of the provinces themselves. There is a considerable body of opinion in India which calls for some readjustment of boundaries and redistribution of areas, and we entirely share the views of those who think that the present arrangement is not altogether satisfactory. The existing provincial boundaries in more than one case embrace areas and peoples of no natural affinity and sometimes separate those who might under a different scheme be more naturally united.'

"At page 24, paragraph 38 of the same report it is stated:—

'If those who speak the same language form a compact and self-contained area, so situated and endowed as to be able to support its existence as a separate province, there is no doubt that the use of a common speech is a strong and natural basis for provincial individuality.'

"We find the following passage at page 26, paragraph 38 of the same report:—

'But now that the provinces have a real political existence of their own, the situation is changing and if, as we hope, the time is coming when each province will not only have its own provincial government and its own provincial resources, but will form a unit in a federated whole, it is extremely important that the adjustment of provincial boundaries and the creation of proper *provincial areas should take place before the new process has gone too far.*'

"The Simon Commission made the following observation; you will find it at page 312, paragraph 364:

'As for provincial areas, the question whether some redistribution is desirable, will at once be taken up; such cases as those of Sind and Orissa will be the first to be considered.'

"I will then pass on to the next document, that is Irwin's Despatch on Simon proposals. At page 17 you find the following passage:

'It would be for the new administrations themselves to take up such cases as they arise.'

"The next important document is the report of the Joint Parliamentary Committee; I wish to invite your attention to a passage therein—pages 36 and 37—

'Provision will have to be made in the Constitution Act for this purpose. We think that the actual alteration of boundaries should be carried out by Order in Council but that the initiative should come from the provinces concerned and should receive the concurrence of the Central Government and Legislature. It is possible that in the future it may be found desirable to constitute new Governor's provinces, either by a subdivision or amalgamation of existing areas. We think that power to create a new Governor's province should be reserved to the Crown and to Parliament, but that appropriate provision should be made in the Constitution Act to ensure that the provinces affected and the Central Government are given adequate opportunities for expressing their views.'

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" This finishes my reading of extracts from official documents. I now pass on to the opinions expressed by responsible national organisations. Hon. Members are aware that the Congress, the greatest national organisation, has accepted the principle of redistribution of provinces on linguistic basis as early as 1917 and has put it into practice. I have already quoted from page 61 of Nehru's Report."

* MR. PRESIDENT:—" The hon. Member will bring his remarks to a close. He has already taken half an hour."

MR. K. P. MALLIKARJUNUDU:—" I will not take much of the time of the House. I will now refer to the recent resolution of the All-India Congress Committee held at Calcutta in the year 1927.

'These extracts establish beyond doubt that the present administrative provincial units are heterogeneous and unwieldy, that their formation has been dictated by considerations of military policy and administrative expediency, that they bear absolutely no relation whatsoever either to the natural and physical affinities of the people or to the wishes and aspirations of the people, that they require an immediate readjustment and redistribution and that in that redistribution, unity of language should be the predominant consideration.'

n. " Sir, the other factors that are important in connexion with the formation of a province are race, area, population and financial considerations. I would request your indulgence if I take up some more time for making a few references to these aspects of the question. The Tamilians, Telugus, Malayalees and Kanarese have their own national individuality. They are conscious of their glorious past, their glorious history and all that. I do not wish to take up the time of the House by quoting figures of their population, but I would content myself by saying that these characteristics of racial individuality are found in the peoples that inhabit this Presidency. Coming to the question of the territory of their occupation, I may place before the House certain figures which have an important bearing on the subject. Here, I wish to speak with special reference to the Andhra Province and I do not wish to be understood as ignoring the claims of others for a province of their own and I do so, merely for the purpose of illustration and not for the exclusion of those areas. The Telugu-speaking area, including the Agency tracts, consists of 82,000 square miles and the population is 19 millions odd. On the question of territory, there is no case against the formation of an Andhra Province. If I may be permitted to say so, I may tell hon. Members that the Andhra Province is bigger in area than Assam, North-West Frontier Province, Orissa, Sind and is as big as Bihar, but little less than Great Britain. In population it is bigger than Assam, Central Provinces, North-West Frontier Province, Orissa, Sind and as big as Bombay. Let us now examine the question from the financial point of view. Here, I have calculated figures relating to land revenue and from that I come to the conclusion that the revenues of the Andhra area are 43 per cent of the total revenues of the province, and on calculation, you will find that the total comes to 7 crores. The revenue under the other heads I believe is also on the same level as land revenue. On comparison, I say that the revenues of the Andhra area are more than the revenues

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of the Central Provinces, Orissa, Sind, North-West Frontier Province and Assam and Bihar. Even from the administrative point of view, the Andhra Province presents geographical unity which is conducive to a satisfactory administration of the province. I think, Sir, I have established a case for the redistribution of provinces on the basis of language. But, some of my friends may ask, well, it is good, the principle is accepted, but what is the urgency about the matter. For that, I may give this answer. Firstly, the matter has been delayed so long that it cannot be delayed any longer. Secondly, there is now the peoples' Government in power, and people are desirous that this question must be settled when there is a popular Government in power. Thirdly, the initiative as pointed out by the Joint Parliamentary Committee must proceed from the local legislature. Fourthly, there is a necessity for the formation of provinces on this basis before the establishment of any kind of Federation. Fifthly, as pointed out by the Simon Commission, provinces must be formed before the process of responsible Government has gone too far. I believe, Sir, these five points will give a complete answer to the question of urgency about the matter.

"Another important question in this connexion is this. It may be asked, whether there has been any agitation on this from the people concerned. In this connexion I would again make a reference to the Andhra Province by way of illustration. Sir, there has been consistent agitation on the part of the Andhras for the last 25 years for the formation of a separate Andhra Province. Various Andhra conferences were held and resolutions were passed in the matter of a separate Andhra Province. There has been a lot of agitation both in the press and in the platform also. Coming to the agitation on the floor of the Legislature, I may give some interesting figures . . ."

* Mr. PRESIDENT:—"The hon. Member has exceeded the time-limit."

Mr. K. P. MALLIKARJUNUDU:—"I will finish in 10 minutes, Sir, and I will not take more than that."

* Mr. PRESIDENT:—"All right."

Mr. K. P. MALLIKARJUNUDU:—"Thank you, Sir. There was a resolution moved by the late Sir B. N. Sarma in the Imperial Legislative Council. On 21st September 1921 a general resolution on the redistribution of provinces on a linguistic basis was moved in the Legislative Assembly in Delhi. On 3rd February 1922, a resolution was moved by Mr. Jayanti Ramayya Pantulu on the floor of the Legislative Assembly. On 16th February 1927, the Hon. Mr. V. Ramdas Pantulu moved a resolution in the Council of State. On 14th March 1927 a resolution was moved by Mr. P. Anjaneyulu in the Madras Legislative Council and was passed by a majority. On 19th March 1928 a cut motion of Mr. A. Kaleswara Rao to reduce the allotment under Executive Council was moved to discuss the question of the Andhra Province and that cut motion was passed by a majority.

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On 13th March 1935, there was again a cut motion by Mr. Koti Reddi on the Demand for Executive Council. In this connexion I may refer to the opinion expressed by Mr. Souter. He said:

'As regards the formation of a separate Andhra province, my personal opinion is, the present Presidency of Madras is too large and if it is split up and smaller provinces formed it would be distinctly advantageous, if we could find the money to do so.'

" On 2nd August 1933, another resolution was moved by Mr. Harischandrudu. Then again, there were a number of interpellations on this question dating from 4th September 1928 to 26th January 1932. I may also invite the attention of hon. Members to the various memoranda presented to the Round Table Conference by the late lamented Sir Mocherla Ramachandra Rao, the Raja of Bobbili and the Hon. Mr. V. V. Giri.

" Sir, before I come to a close, I think I will do well to answer a few of the objections that have been raised in regard to the question of urgency of the formation of the province. The first objection is, that it gives rise to centrifugal tendencies which would weaken our national unity and ultimately destroy it. My answer to their objection is, there is no danger of any such weakness in national unity. We have developed our national unity to such a degree that there is absolutely no fear of any such disintegration. In this connexion I may also quote a passage from the Simon Commission Report bearing testimony to the development of national consciousness and national unity. It will be found in Volume I, page 11, paragraph 16, wherein it is stated:

'It would be a profound error to allow geographical dimensions or statistics of population or complexion or religion and caste and language to belittle the significance of what is called Indian Nationalist movement.'

" Moreover, I may say, I have enough confidence in the wisdom of people and the statesmanship of our leaders to prevent any such fissiparous tendencies from coming into play. The second objection is, that the separation of provinces on this basis will involve the Government in additional expenditure. I believe, the expenditure will not be prohibitive, and even though it is large enough, I think it is necessary in the interests of constitutional growth. The third objection is, that there will be petty disputes in respect of the boundary. That question can be raised at a later stage when the Boundaries Commission will be constituted to go into the question. Now, my submission is, we need not bother about those difficulties at present.

" Another objection is, there are very many administrative difficulties in the matter. My own personal opinion is, these difficulties can be overcome by our Prime Minister who by his unrivalled capacity can solve all such difficulties.

" The next objection is that the demand is born of hatred and prejudice. I may at once repudiate that charge because it is only a question of managing our own affairs and so we should not say that

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"Mr. President, Sir, I may in conclusion liken the Tamils, Telugus, Kanarese and Malayalees to the four sons of Dasaratha and the Tamils are like Rama, the Telugus like Lakshmana with his fraternal devotion to Rama his Tamilian brother, and his fraternal love to Bharatha and Chathrugna of Malayalees and Kanarese."

* MR. PRESIDENT:—"I think the hon. Member must bring his remarks to a close, because he has already taken nearly 45 minutes."

MR. K. P. MALLIKARJUNUDU:—"I am afraid I have been inflicting on the House a monotonous speech. With these few words, I commend this resolution for the acceptance of the House."

MR. V. V. JOGAYYA PANTULU:—"President, Sir, I rise to second the motion so ably moved by my hon. Friend. In doing so I do not propose to speak at any great length. The hon. the Mover 4-1 P has already referred in detail to the necessity for the formation of an Andhra Province. He has told us that eminent statesmen, distinguished administrators, experienced jurists and leaders of public opinion expressed strong opinions in favour of the principle involved in the resolution, viz., redistribution of provinces. I will not therefore take up your time by repeating them. The question, however, naturally arises as to why, in view of such strong opinions, the Government did not divide provinces on a linguistic basis. The answer to it is very clear. The British cared more for acquisition of territory than for administrative convenience or efficiency. Their only anxiety was then for acquiring more territory."

* MR. PRESIDENT:—"The hon Member will please address the Chair." (Laughter.)

MR. V. V. JOGAYYA PANTULU:—"Whatever the British have done in the matter of distribution of provinces in the past, another question that arises is why they have not rectified the wrong even now? The only objection that was raised by the Government for forming provinces on a linguistic basis is this: they stated—I do not wish to quote at length the opinion of the Government of India forwarded to the Simon Commission as it has been already quoted by the Mover—in substance that there was no unanimity of opinion among people on the subject and that there were no specific resolutions moved for redistribution of provinces in the Councils of the Empire. This expression of opinion was not correct even at the time when the statement was made. It is far worse in the light of subsequent events. It is well known that eminent leaders like the late Sir B. N. Sarma and Mr. N. Subba Rao Pantulu from Andhra country, our distinguished President from Kerala, and the late lamented Sir Sankaran Nair from Malabar and a host of other leaders pressed for the separation of provinces on linguistic basis from time to time. About the year 1903, I think, the Indian National Congress for the first time recognized the need for forming provinces on a language basis. In 1917, at its Calcutta Session, the Congress passed a resolution by which it agreed for a separate Congress Committee for the Andhra districts. In 1929

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at its Nagpur Session, the Congress confirmed this resolution; and subsequently, it agreed for the formation of Provincial Congress Committees to other language areas. After this, deputations were sent to responsible officials. When Mr. Montague, the then Secretary of State, visited India, an influential deputation waited upon him and pressed for the formation of a province for the Andhra districts. This subject was, thereafter, placed before the Joint Parliamentary Committee in London by the late Sir Diwan Bahadur Mocherla Ramachandra Rao. In 1931, the Andhra Mahasabha Committee deputed my humble self, who happened, then, to be the President of the Mahasabha, to lead a deputation, consisting of influential gentlemen to wait on the Secretary of State; and the only reply we got from him was that the matter should first be moved in the Councils of the Empire. Among the deputation lists there were two Members who were also members of the Second Round Table Conference. These members also presented memoranda before the Round Table Conference pressing for the formation of a separate Andhra province. This shows that the view taken by the Government of India that we have not moved in the matter and that there was no unanimity of opinion among the people is not correct.

" Another objection raised by the India Government was that there were no resolutions passed in the legislatures on the subject. So this is equally incorrect. In 1917, the late Mr. B. N. Sarma raised a debate in the Imperial Legislative Assembly. In 1922, as the hon. Mover has already stated, Jayanti Ramayya Pantulu moved a resolution in the Legislative Council here and that was carried. In 1927 our Hon. President, you, Sir, moved a resolution for the formation of a Kerala province and, in 1926 I suppose, the late Sir Sankaran Nair brought forward a resolution asking for the formation of a separate Tamil province. Again in 1927 almost all the legislatures moved resolutions on the subject. In the Council of State, the Hon. Mr. V. Ramdas Pantulu moved a resolution and Diwan Bahadur G. Narayanaswami Chetti gave notice of a similar resolution. In the Central Assembly I had the honour to give notice of a resolution and it came up for discussion, but unfortunately, as it was the last day of the session, the House was very thin and I was advised by my leader the late lamented Pandit Motilal Nehru that I should withdraw the resolution chiefly on the ground that it was undesirable to press it in view of the controversy then existing with regard to the question of a separate province for Sind regarding which conflicting amendments had been given notice of. In the same year, the hon. Pandit Nilkant Das moved a resolution with regard to the formation of an Orissa Province and I had the honour to second it. The hon. Mover has already referred you to the resolution in the Madras Council again, the same year, by Mr. P. Anjaneyulu. After that, in 1933 also there were similar resolutions moved; so that it cannot be said that there were no resolutions passed by Legislatures. The objection of the India Government that no resolutions were passed is not therefore correct.

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"Another matter which I wish to bring to your notice is that the Simon Commission laid down a number of tests for deciding the formation of new provinces. According to those tests, Sir, it will be seen that if there was any one province in India which satisfied all the tests laid down by the Commission, it was the Andhra province and no other.

"Speaking specially about the Andhra province I may mention a few more facts and close my speech. Sir, the agitation for the Andhra Province began about a quarter of a century ago. In the year 1913 the Andhra Mahasabha, as the mouthpiece of the Andhras in India, started it. Under its auspices, successive conferences were held every year and this resolution for the formation of an Andhra Province was a hardy annual. Various other considerations of importance also justify our claim for a separate Andhra province In the matter of extent, resources, size and population the Andhra territory stands first in preference to other territories or areas. The hon. the Mover has already referred us to these details. I am not therefore going to repeat the same. I may add, however, that when the Andhra Province will be formed it will be found to be more than the size of Scotland, Ireland, Bulgaria or Greece and more than four times the size of Denmark. It will be found to be a little larger than Turkey and a little less than Italy.

"Now I will speak a few words about the cost and the past of the Andhras and close my speech. As to the cost, I do not think it will be at all probibitive. You have already got in Andhradesa centres of commerce, a special university, a harbour, a Medical College and Colleges for Arts and Commerce. The only other important institutions which the province wants are a High Court, a Governor in Council and a Board of Revenue (laughter) with a capital in some important centre."

KHAN BAHADUR SIR MAHOMED USMAN SAHIB BAHADUR:—"A Governor in Council?"

MR. V. V. JOGAYYA PANTULU:—"Yes, I mean a Governor with a Council of Ministers, a High Court and a Revenue Board. In a large number of departments, the officers at the head may be, without difficulty, re-arranged. Similarly, most of the services may be split up without any additional cost.

"As for the past of the Andhras, I am proud to say, Sir, we have a distinguished past. We belong to a very ancient race and have played a very brilliant part. The Andhras have distinguished themselves both in war and in peace. There were among us distinguished soldiers and great heroes. We had among us kings who ruled over extensive territories and great masters of literature. Our arts and industries were praised throughout Europe and Asia. Our skill in architecture and fine arts is well known. History bears testimony to our great culture, wise political sagacity and sound statesmanship. In the light of the above facts I request this House to adopt the resolution unanimously."

*MR. PRESIDENT:—" I may draw the attention of the House to rule 64 of the Council Rules, which lays down that, 'no member except a member of Government or the Leader of the Opposition or a member moving a Bill or a no-confidence motion in the Ministry or a particular Minister shall speak for more than thirty minutes.' I understand there are a large number of members who wish to take part in this debate. Rule 64 (2) empowers the President to prescribe a time-limit on resolutions, and so, I fix the time-limit at fifteen minutes, or at any rate, not more than twenty minutes."

* DR. SIR K. V. REDDI NAYUDU:—" Mr. President, Sir, I move the amendment that stands in my name. They run thus:—

> '*In line* 3, omit *the words* " *under section* 290 *of the Government of India Act*, 1935." '
>
> '*In line* 4, omit *the words* " *as early as possible* " *and* substitute *a comma for the full stop at the end of the sentence, after which* add *the following*:—
>
> " *and that as first step towards the formation of such separate administrations, the Andhra Province be constituted immediately.*" '

" Before I give my reasons, Mr. President, let me congratulate the mover of the resolution and the seconder on the able and instructive manner in which they have placed their case before this House. As I sat listening to their speeches, I was reminded of my younger days, when I sat on the Congress platform or in the district conferences or in the Legislative Council, where members strove hard to prove their case, instead of asking them to accept. And to-day, those two speeches took me back to one of those happier days, when members thought it is more easy to censure Government than ask them to accept their view without giving reasons.

" Now, Sir, I will at once refer to my amendments. As hon Members will see, I do not object to the resolution. I do not object to the formation of provinces on a linguistic basis. And the case has already been made out, and it has been there all these years, and authority after authority has been quoted to show that there should be a re-distribution of provinces in this country. More than that, my friend, Mr. Jogayya Pantulu has more than proved my case, as stated in my amendment. I shall take clause by clause. The first point to be elucidated is this. While we agree that the provinces intended to be formed under this resolution are necessary, it is desirable that the Andhra Province should be constituted first. And in doing so, the framing of the resolution must be such as to give emphasis to the formation of the Andhra Province; because, the case for it is ready for disposal, as we say in courts of law. My first point is to omit the words ' under section 290 of the Government of India Act, 1935.' Now, Sir, the resolution wants the views of this House to be communicated to the Secretary of State under section 290 of the Government of India Act, 1935, which provides for the formation of new provinces,

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Quite true. But there is a provision in this section which says that before the draft Order in Council is placed before the Houses of Parliament for their acceptance, it is essential that the views of the local Government, the views of the Legislative Council and the Legislative Assembly, that is the local Legislature, including the two chambers, the views of the Federal Government and the Federal Legislature should be obtained. Mr. President, mark the words ' Federal Government ' and ' Federal Legislature.' Now, in the resolution as it stands, dependence is being made on section 290 of the Government of India Act, 1935. That means, we can take any definite action only after the Federal Legislature and the Federal Government have given their opinion. Hon. Members are aware that the Federal Assembly and the Federal Government and the Federation itself are not yet in sight. Members on the Opposite side, and they are in a majority not only in this Council but also in the other House, and not only that, in seven or eight provinces also in India, have in unmistakable terms declared that they will have nothing to do with Federation. So Federation is not in sight; Federal Government is not in existence, and Federal Legislature may not come into existence within our lifetime, or at any rate in the near future. If that be so, as it is, when the Congress Government is against Federal Government, where then is the possibility for action being taken under section 290 of the Government of India Act? My contention is, if you retain section 290 in the resolution, you will be virtually putting off the formation of the Andhra Province, as well as that of all other provinces to an indefinite date; and thus, the very object of this resolution will be frustrated. I therefore suggest that reference to section 290 be removed. Then the position will be, action will be taken on this resolution either on the transitory provisions or under section 52-A of the Government of India Act of 1919. I therefore want to remove the words ' under section 290 of the Government of India Act, 1935.'

" Then I want to omit the words ' as early as possible.' This resolution requests the British Parliament and His Majesty the Emperor to give us this province as early as possible. Sir, if it were not for the Congress Government, that is now in power, but if it is somebody else, the Congressmen themselves would have at once stated, Oh! look here, the Secretariat bureaucratic language ' as early as possible.' Sir, those words may mean anything or nothing. What is early for us may not be early for others; what is early for Andhras may not be early for others; and what is early for us here, may not be early for those in Delhi; whose views have to be taken in this matter. Sir, those words may mean one year, or it may mean ten years, if not more. So, Sir, I strongly object to those words ' as early as possible.'

" The last change I want to be made in the resolution is that at the end of the resolution, the words, ' and that as a first step towards the formation of such separate administrations, the Andhra province be constituted immediately.' Sir, while we agree that it is essential that

the formation of provinces should be on a linguistic basis, and therefore there should be separate provinces for the Andhras, the Tamils, Kanarese and the Malayalis, we feel that the case for the Andhras is a stronger one, and as my friend, Mr. Jogayya Pantulu put it, it satisfies all the conditions that were imposed by the Simon Commission in their report; whereas it is not so easy to say of at least two other provinces, for these conditions have not been fulfilled. In any case, as has been pointed out by the two previous speakers, this question is being agitated for the last so many years, and the first conference was held in 1913. But I know, being in the centre and heart of Andhra Desa, that the real impetus was given by the movement against the Partition of Bengal. I know many of my countrymen went to Bengal at that time and brought back with them that genius,' that spirit and that enthusiasm for which our Bengalee friends are so famous, and which they exhibited in so unmistakable terms in that agitation against the Partition of Bengal. Now, if the resolution stands as it is, my apprehension is that it might turn out to be an eyewash. I do not say, the authors of this resolution wanted it to be an eyewash. Certainly not. I know they are anxious that the Andhra Province should come into existence at once. But evidently because they wanted to satisfy their colleagues that all provinces should be formed on a linguistic basis, and in order to obtain an unanimous decision, they agreed to have the wording of the resolution in this manner. I submit, with due respect let me say, that if somebody wanted—I do not mean for one moment that that is the intention of hon. Members Opposite—to thwart the intention of the Andhras, if somebody wanted that their aim should be delayed, if not defeated, we could not have a better resolution than this. Because, on the face of it, the resolution is so complicated, and so involved and the magnitude of the proposal is so great, that no authority will think it possible to deal with it.

"In the month of September 1921 my esteemed friend Mr. A. B. Lathe of Bombay introduced a resolution in the Central Legislature, and in that resolution he asked,—I will rather read the resolution to the House. The resolution ran thus:—

'That the Governor-General-in-Council may be pleased to undertake the task of reconstruction of provinces in India in consultation with the various local Governments and with a view to facilitate the constitutional development of the provinces . . .'

"No doubt it was thrown out. But on what ground? Of course on the strength of the statement of the Government of India, namely, the magnitude of it is so large that it is impossible for us, for the Government of India, to deal with the question; but the Government of India promised that if any special case has been made out for any one province, they will be perfectly willing and ready to examine and see what they can do in the matter. Now, Sir, I base the strength of my argument on that statement. As you know, the Government of India have got a voice in the matter, whether it be in the old Act or

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in the present Act, perhaps a predominating voice; and after all, the Secretary of State will give greater weight to what is said by the Government of India.

"Therefore, Sir, if they should say 'here are four provinces; what are we to do? I believe it will be correct. So far as Kannada Province is concerned, there are difficulties as to whether it is to be joined with Coorg or the Bombay Presidency. It has not yet been settled. *If it has been settled, let me not be misunderstood*, and if South Kanara prefers to be alone, her claim may be admitted. But its area is so small, the population is so small, and the revenue is so small, that it cannot be expected that there could be a Government for a single district. I know in Malabar in certain quarters there is public opinion for the formation of a separate province. I believe Mr. Moidoo is one who believes in it. I do not quarrel with him and I do not object to it. But there are others in Malabar who have objected to it. Three or four years ago, when I was in the Council of State, a resolution was moved by Mr. C. S. Ranga Ayyar in the Legislative Assembly askiug for a separate province for Malabar. The member representing Malabar, Mr. Prabhakaran Tampan, rose and objected to it so seriously that Mr. Ranga Ayyar had to drop his resolution. Mr. Tampan quoted the authority of very eminent men of Malabar to show that they did not want a separate Province for Malabar. Now, Sir, apart from all these, independent men cannot belp thinking whether Malayalees will stand to lose or gain by such separation. By this, let me not be understood to be objecting to the formation of a Malayalam Province. Let my friends *mark that. But I say there are people who will take into consideration* various other matters before coming to a decision on this matter. Malayalees, if I mean no offence to them, are very intelligent and enterprising people. I admire them. They have occupied many high places and have been in many distinguished capacities. I do not grudge them. To-day you will find that in the Madras Secretariat all the three Indian Secretaries are Malayalees. I do not object to this. They are an intelligent race; they are a virile race; they work hard; they are honest men. Naturally they have a right to these places, and they have got them. If their district becomes one single province, the question is whether they will have these opportunities. For their intelligence, for their energies and for their activities, the opportunities will be limited. By all means, if they still want a separate province of their own, let them have it. I have no objection at all. But I object to it for this reason; that when this matter goes before the Central Government, or the Federal Legislature or the Central Legislative Assembly or the Council of State, there will be men who will take all these points into consideration and their own friends might object to such a proposal with the result that by coupling the question of the formation of the Andhra Province with the other provinces, you will be practically putting off the day of having a separate province for the Andhras to an indefinite date; no man knows to what date.

I ask 'is it wise; is it just?' I expected that this resolution would be moved by the Government themselves. Why they have chosen a private member I do not know. I have already said that I admire the speech of the hon. Gentleman who moved this resolution, but it would have come with better grace and better force if it came from one of the Ministers or the Council Secretaries. That unfortunately has been denied to us. However, I may tell hon. Members—I do not know for certain because I have not seen this morning paper; the only paper that I saw was yesterday's evening paper and so far as I read yesterday's debate in it, nothing was known to me—that the Prime Minister was good enough to give a promise and it was that the formation of an Andhra Province would be given preference to others. If that is so, I am extremely thankful to him and I am sure the whole Andhra community and the country will be thankful to him. If that is so, I do not see any objection for my amendment and the Government and the mover of the resolution can easily accept my amendment. It cannot be denied that these Andhras have been agitating for an Andhra Province. It does not mean that Kannada and Malayalam are to come only at a later stage. The feeling in the Andhra country is so immense that we have been receiving many letters from the people of the Andhra districts, some of them even abusing as to why we are sitting idle without trying to achieve our ideal. I dare say that my congress friends on the other side must have been receiving similar letters as ourselves. (*A voice: 'Most of them'*). *Most of them I am told*. I am thankful for the corroboration of the position I have taken. Taking all these circumstances viz., the area of the districts, the number of population, and the financial position of the districts—all these conclusively show that no time should be lost in this matter.

"I see the clock, Sir. and I think the time allowed to me is about to finish. So I am coming to a close. All that I submit is that it should be clearly understood that we do not in any way object to the formation of other provinces on a linguistic basis. Let it be clearly understood that I will not be a party to object to the formation of Malayalee or Kanarese Province. The fact that their Andhra friends get their province earlier need not cause any dismay in their minds because after the fashion of Orissa and Sind, the other districts here may put forward their claims for the formation of separate provinces after the Andhra Province is formed into a separate province, and they can very well say then 'you have given a separate province to the Andhras and you cannot resist giving the same to us'. That will be the question then, and I do hope the House will accept my amendment which I have already moved."

The amendment was duly seconded.

* MR. PRESIDENT:—"Both the resolution and the amendment are before the House. To save time I ask hon. Members to speak on both. I will put the amendment first and the resolution afterwards."

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* MR. A. RANGASWAMI AYYANGAR:—" Sir, I need hardly say that I wholeheartedly support this resolution. Unfortunately the course of discussion has taken a somewhat unpleasant turn. It has been interpreted as if this resolution is not so important to the Tamilians as it is for the Andhras. I may at once say that it is as much important to the Tamilians as it is for the Andhras. The foundation of the agitation is not that the Andhras must be separated from the Tamilians. That is not the point at issue. The point is this: as long as the proceedings of the Legislature and the proceedings of the administration and proceedings in courts of Justice have necessarily to be conducted in a foreign language, so long you cannot have real self-Government and the ordinary man in the street cannot have his legitimate share in the governance of the country. However much the Government of India Act is widened in its scope, you cannot have real and full responsible Government unless the people are taken into confidence and the proceedings of the Legislature and courts of law are also conducted in the language of the people. Therefore in the interests of the Tamilians themselves, the Tamil province is as much an urgent necessity as the Andhra Province is to the Telugus. Therefore it is wrong to say that the Tamilians, as if for a long time, are the enemies for the formation of a separate Andhra Province. The real objection is that the system of Government which is now in vogue, even the Provincial Autonomy which is obtaining just at present, is an anachronism and not a natural system of Government. Where have you got, anywhere in the civilized world a Government in which the proceedings of the Legislature are being conducted in a language, not its own? I have no objection to making Telugu language as the language of the Legislature which is far less objectionable than the English language, because English language is not the language of the Tamilians or the Telugus or the Kanarese people. You will have to adopt your culture and your civilization to a foreign system. That is the gravamen of the charge. The intellectuals who are given education, as administered in our universities, are a species apart. Their ideals and aspirations are different from those of the masses. They have no capacity, as educated people, to serve for the cause of the masses; their ways of life and out-look are found on a different basis. That is the greatest difficulty at the present time. For example, when you talk of the Tamil language, why should you talk of it as 'Tamil'? Because the European cannot pronounce it as 'தமிழ்' we have to change the pronunciation for the linguistic disability of the foreigner. Therefore you call it as 'Tamil'. Sir, this is symptomatic of the way in which the Government and the institutions of the land are run. Therefore our objection is to the present system of Government, because the masses cannot be served as long as the existing system remains. The Congress accepted this principle long ago. With a view to carry out the mandate of the Congress this resolution is brought forward. I may say that this is not going to be an eye-wash, and that any resolution that is going to be passed by this Council backed up by the Government of the province is certainly not going to be an eye-wash.

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" So far as the amendment, that is sought to be introduced, goes, the hon. Member wants to introduce a kind of apple of discord as if the Andhra Province is an urgent necessity any more than that of any other province. That is introducing an element of controversy and an unfortunate idea into the whole resolution. The resolution is a whole and entire one, and if you are going to separate only the Andhras, then the problem of the formation of a separate province for the Kanarese will remain unsettled. You will have to settle the question of Karnataka, you will have to settle the question of Andhras; and you will have to settle the question of Tamilians. Therefore, the whole problem is a single and entire one and you cannot, even as a first step, separate the Andhra Province and make unsatisfactory beginnings. So far as the amendment to omit the words 'under section 290 of the Government of India Act, 1935' is concerned, the objection to have those words is really without substance. Section 290 of the Government of India Act says that " His Majesty may direct for ascertaining the views of the Federal Government and the Chambers of the Federal Legislature. " That does not mean that His Imperial Majesty can move only after the Federation is established. The Central Government may be consulted even before the federation is established. The Central Government and the Madras Government can be consulted for carving out linguistic provinces. Therefore there is no substance in that amendment. So far as the main problem is concerned there may be no difficulties. But with regard to boundaries and matters of that kind, these are matters of detail and in any large question difficulties are bound to crop up with regard to those details. We need not attack the principle merely because when the principle is going to be worked, it may land us in difficulties with regard to certain details. I therefore very wholeheartedly support the resolution and oppose the amendment."

KHAN BAHADUR T. M. MOIDU SAHIB BAHADUR:—" I wholeheartedly support the resolution to have provinces on linguistic basis. First of all I may say, we Kerala people are second to none in our
n. culture and educational advancement. We are not at all backward in point of education. As Sir K. V. Reddi remarked, we have contributed three to the number of Parliamentary Secretaries. Like the Indian State of Travancore where women education is compulsory, our province has attained such a standard in point of education that a large number of women, if not all, know how to speak English. All these I am saying only to show that it is not alone the Andhras that should have a separate province for themselves first. I do not grudge their having a separate province for I think that they would be a good riddance. I wish them to be gone because whenever the elections take place and a Ministry is to be formed, the Andhras create much trouble and virtually shut out the claims of others namely, Muhammadans and depressed classes. When I say that it would be a good riddance, I mean nothing disparaging to them; I

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only said it in a sportive spirit, it being my intention that they should themselves solve the troubles which they were creating in this province. As for the separate province, it is their right to have it. But it is not in them to say that the other people should not be given the things which are to be given to them. Let them ask and get their due but why should they refuse the same to others? In stressing the need for a separate province, I have got a selfish motive also. It is a well-known fact that we form one-third of the entire Muhammadan population; but even in the present Ministry, there is no Mappilla and I think there should be a Mappilla there rather than a non-Mappilla, seeing that we form one-third of the entire Muhammadan population. Yet with the force put up by the Mappillas, the Premier has not been kind enough to select a Mappilla Minister from among the Mappilla members of the legislature. There are qualified men even in the Congress party. But he preferred a non-Mappilla and I do not know the basis on which the selection was made. If a separate province were to be formed, these difficulties would be solved by ourselves. On that account also, I would second the resolution. Then, Sir, the question of the introduction of Hindi will be solved. When provinces are formed on the basis of language, what is the necessity for a common language, be it Hindi or Urdu. This can be solved very easily and there will be no trouble on that score. With these few words, Sir, I support the resolution before the House."

* THE HON. MR. C. RAJAGOPALACHARIAR:—" Mr. President, I do not propose to take a main part in the debate, for I will leave it to my colleague, except to point out a few things in answer to the minor question introduced by way of amendment. One is with reference to the appropriateness of having reference to section 290 of the Government of India Act in this resolution. The objection was taken that since there is no federation, it would hurt our purpose if we refer to this section in the resolution. This, I submit, is due to an erroneous misconception of the legal position. If section 290 of the present Government of India Act cannot operate, we cannot refer back to an earlier constitution or an earlier Act in connection with this subject. The constitution is not retained in parts in that matter. The only provision under which we can act for purposes of constituting new provinces is this section, and this section has necessarily to be referred to. We cannot hark back to an earlier constitution or an earlier Act. The objection is based on one other misconception. It is that the use of the word ' federation ' in that section prevents the operation of the procedure until the federation under the Government of India Act has been set up. That, I submit, is not necessary. If the hon. Member will refer to sections 313 and 316 of the Government of India Act, he will find enough transitory provisions and transitory interpretations to cover the whole ground. That is so far as section 290 goes. The authors of this resolution, I think, have correctly understood the position when they made that reference to that section

in that resolution because they wanted a statutory basis for the resolution. It does not stand on the same footing as the resolutions that were passed in the old Council, about which reference was made in the speech of Sir K. V. Reddi, resolutions that were passed in the usual course as a sort of protest or as expression of opinion. This is a step which has been taken under the Government of India Act and under the section the views of the two chambers of the Legislature have to be obtained and in pursuance of that it is sought to take time by the fore lock and furnish the views in an unambiguous manner so that the executive authority working in the name of His Majesty may act with great speed and greater confidence with regard to this subject.

"Certain verbal alterations were proposed to be made the effect of which would be the recommendation for an Andhra Province immediately, leaving the other provinces which were not so ready as the Andhra Province to take their own time. The reasons why the framers of the resolution did not put it in that form are very sound. It is easier to come to general conclusions on general policies and general principles than on details. When an unanimous opinion in favour of the general principle and policy is secured and it is sought to be presented to the proper authorities in a concrete manner, if we start off discussing details and begin quarrelling over them, the main principle and the main policy, as a result of which the discussion about details began, stand to lose on account of the fact that human nature being what it is, more importance is paid to details than to generalities. Therefore, Sir, it is necessary that the main principle should be put forward with all the unanimity that is behind it. There is another point to be remembered in this resolution. 'Karnataka' does not mean the district of South Kanara, with or without Bellary. There is no reference to Madras Province there so that the formation of a separate linguistic province namely the Karnataka province would certainly include re-adjustments of Bombay districts also. It should not be imagined that the formation of Andhra Province is placed on the same footing as the formation of a Karnataka Province with South Kanara and portions of Bellary included. The two do not stand on the same footing. It is true that in the resolution there is no specific mention made about the Andhra Province being more ready and more fit for a separate carving out of the Madras Province. But that follows executively out of the resolution. When we send the opinions of both the Chambers of the Legislature to His Majesty in Council, it is open to them, and they are bound, to examine the question with reference to practical conditions and other details including preference. That is the meaning of the resolution. The acceptance of the amendment of Sir K. V. Reddi on the basis of the background of an immense and ancient strong feeling in respect of the Andhra Province, is just one of those things which enthusiasm leads to and which will make matters more difficult than it would otherwise

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be by stating in a general way that the Andhra Province should be carved out. We should not be misled by the vigorous appeals as to the advantage of having the word 'immediate' there. Words do not build facts; the more important thing to remember is that we are accepting it and that we should not start boundary disputes and minor disputes. If I had it in my mind to ruin this resolution, I should gladly have accepted this amendment. But as I am serious about it and sincere about it, I propose that this amendment should be rejected."

* MR. J. A. SALDANHA:—" Mr. President, if preference is to be given to any particular province, I would urge that the Karnataka province should have the first preference because we are divided between two Provinces, Bombay and Madras not to speak of Coorg. Both in respect of traditions and ethnical connexions, South Kanara traces its connexions to Karnataka of the Bombay Presidency. So that our claim to have a separate province stands unquestioned. It has been claimed that there are three out of the ten Parliamentary Secretaries from South Kanara; but, Sir, they are quite impotent and they are powerless to help us."

* MR. PRESIDENT:—" The hon. Member is not allowed to make any reflection on Parliamentary Secretaries here."

MR. J. A. SALDANHA:—" I withdraw my observations, Sir.

" Karnataka is proposed to be formed mainly out of the districts of Bijapur, Belgaum, Bellary, North Kanara and South Kanara. The fact is that we have been paying taxes for the benefit of the Presidency with little coming to us by way of return. We shall be able to meet more than our own expenses. We do not want a Governor at all. We can have a republican autonomous province under the suzerainty of the British Crown with an elected president who can be paid a little more than our Premier. Simple life and Government are not inconsistent with each other. South Kanara has a grievance against this Government in that we have not been properly treated by them. For instance, in connexion with the roads under the Vipan scheme, out of 66 lakhs Malabar gets 21 lakhs and we get only 3 lakhs. From this, we can see how we are treated. Then as to forests. We have heard the answer given to one of my questions the other day regarding the forests of South Kanara; we also know the way in which Sir K. V. Reddi treated us in regard to this question when he was Law Member 5- (laughter), also how we are treated by the present Government, and P. how they are acting against our ancient rights and privileges. In North Kanara, however, we know that such rights are respected still —but that is by the way. In the case, again of land revenue, the Government have decided that what applies to the East Coast districts need not apply to our district. But this was only after a big and long agitation by Mr. Karant with the then Revenue Member some ten years ago. The main question is whether these linguistic provinces should now be urged upon. As I already stated, there is an intensity of

feeling, for a separate province which will include South Kanara a North Kanara and other Karnataka districts. There have been seve conferences held during the past ten years, and at one of those co ferences I was also asked to preside, that which was held at Karw I was much gratified to find at that conference a large number representatives that came from all parts of Karnataka, both from t Presidency and from the Bombay Presidency. The intensity of feeli then was very deep that a Karnataka Province should be formed early as possible. I hope that the Congress members of the Bomb and Madras Provinces will give notice to the Congress Government Bombay that this question of a separate Karnataka Province should taken up at once. To avoid a split in Congress circles over this qu tion in the Bombay Presidency, I hope it will be taken up in the Bo bay Legislature. My point is that there is great intensity of feeli on this question. Last year, we had a conference under the auspic of my hon. friend Mr. Manjaya Hegde at Dharmasthala. There w a large gathering present—thanks to the sumptuous dinners given the delegates (laughter)—and some of the representatives there b longed to the Mysore State and to the Bombay Presidency. While therefore urge that this resolution should be passed, I want the Go ernment to realize that there is an intensity of feeling, that there is unanimity of feeling on this matter. The question has been discuss in many conferences and on many occasions when I was a member the old Legislative Council. There is no need, therefore, to stress th point further; it is an old question. In fact, I was wondering wh this question has been taken up now; for, I thought it has alread been decided upon. Let Government know that this feeling is strong to-day than ever. On the question of expenses in regard to such separate province, I have already stated that we would prefer to hav a republic, of course as a dominion of the British Commonwealth o Nations, and thus minimize our expenditure." (Laughter.)

* DR. C. RAMALINGA REDDI:—"Mr. President, Sir, I mu confess that a large number of Andhras have not been ove enthusiastic about the way this resolution has been brought forward They feel that there ought to have been a resolution from the Treasur benches; and that such a one would have had greater force behind i and a greater amount of sanction. Secondly, they feel that havin been first in the field from a historical point of view and havin carried on this agitation for so many years, some kind of admissio of the fact that a separate Andhra Province is ripe for solution, mor than all the mere abstract arguments based on the general theory o linguistic provinces, ought to have been given a specific expression For these reasons and because also my friend the Hon. Prime Ministe —he will kindly excuse me for saying so—has not been feeling ver enthusiastic over this, if not actually reluctant or unwilling, th Andhras have viewed this with a certain amount of—I will not sa suspicion, because there is nobody who has got a right to refuse t accept the word of my Hon. Friend, the Prime Minister at its full fac

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value—coldness, lack of enthusiasm and hesitation. The fact is, Sir, that there is a feeling—and it may be a wrong one and I am not saying that that feeling is *well-grounded—that this resolution implied that* we should have all the four linguistic provinces simultaneously, or none whatever. I do not think such an inference is correct; but that is how I, at any rate, felt when I read the report of the Prime Minister's speech in the 'Indian Express' this morning. I gathered that what he said was that the general theory, when it is worked out, would be found to favour the formation of an Andhra Province first or at the earliest. If I am wrong, my hon. Friend will correct me. (The Hon. Mr. C. Rajagopalachariar: 'I have already corrected.') Very well, I am satisfied. I want the correction to be made as often as necessary, because I am not speaking here for myself, but for a large number of Andhras who desire to have an explicit assurance from my hon. Friend on this subject . . ."

THE HON. MR. C. RAJAGOPALACHARIAR:—"May I know for whom and on whose behalf he speaks? What constituency?"

DR. C. RAMALINGA REDDI:—"On behalf of the entire Andhradesa (laughter) with the Ceded districts included; and I may say, if my hon. Friend will not misunderstand me, that some of the points which he let drop in his speeches on this subject, have given rise to a certain amount of apprehension, which may not be altogether legitimate, but which is quite natural under the circumstances, that his own personal view has not been over-whelmingly in favour of the constitution of linguistic provinces or the separation of the Andhra districts from the other districts now forming the Madras Presidency. For instance, Sir, my hon. Friend is reported to have said yesterday in the Legislative Assembly, that he could conceive of an Andhra Province, whether with or without the Ceded districts. I do not know whether that represents the Andhra sentiment; at any rate, Andhras do not want another Ireland to be created in the Madras Presidency. And the Congress which has got so much of sympathy for De Valera and his protest against the division of Ireland into two sections, will be bound to use all its moral influence and exercise it, if necessary, in favour of a united Andhra Province and not a dismembered Andhra Province. (Interruption.) My hon. Friend says we must follow De Valera's wisdom and accept half, if offered. In the first place, De Valera has not accepted it in point of fact; Griffiths and Cosgrave accepted it. De Valera even boycotted the Legislature which accepted the partition and kept out. De Valera, later, faced with a *force majeure*, acquiesed and the *force majeure* has prevailed. And, does the Congress Government propose to play here in the Andhradesa the part that the British Government played in Ireland? The Prime Minister asks me to follow what he calls De Valera's wisdom. Does he not want me to follow his patriotism? So much for the parallel of De Valera; and the Andhras who are asked to-day to accept the wisdom of a divided province.

"Very well, Sir, My hon. Friend also said that this was a joint family in which the sons were all desirous of separating themselves and disrupting the family; while, by implication, the father—Tamil Nadu—was sitting quite calmly and seeing them go. I am only referring to the points my hon. Friend made and to the impression he has created in some of us, why, in many of us. What kind of joint family is it that we are trying to disrupt? Has it a natural affinity? It is a joint family in which the father or husband speaks a language of his own; the wife or the mother speaks another language of her own which is not understood by the husband; and they have two children who speak each a language which is not understood by the other, or by either of the parents. If the idea was to propose a measure by which natural affinities and the efficiency that results naturally out of such affinities are sought to be severed, then I could understand the analogy of the joint family. Our families were formed by the British Government in a haphazard manner for purposes which had nothing to do with the formation of natural linguistic provinces in our country or the preservation of cultural entities.

"Now, Sir, one other point. My hon. Friend laid very proper stress on the fact that we should not pass a resolution of this kind with any kind of feeling in us of parochialism. Speaking for myself, I have always been cosmopolitan enough to admire the culture of all the different races not merely in South India, but in India and abroad and on one occasion, in writing a preface to a 'History of Dravidian culture in South India', I gave expression to my great admiration for Tamil literature and the Dravidian culture generally, for which the Tamil Nadu stands. The agitation for an Andhra Province is not based on any such petty feeling; nor have we been parochial. This question of linguistic provinces has had its origin, as my hon. Friend Sir K. V. Reddi pointed out, in the great agitation of Bengal carried on against the partition inflicted on it by Lord Curzon; and this agitation, though it might have had for its immediate object, only the re-unification of a linguistic province which was then dismembered by the bureaucracy, gave rise in fact to all the big nationalist movements that have ever since flowed in such large, spacious and fertile streams all over India. Even the feeling of remotest suspicion that parochialism has anything to do with the demand of the Andhras for a separate province, is not correct. And the best proof is this: During the Simon Commission's visit to our country, when so many people who were ostensibly Congressmen went to them and beseiged them for local concessions and recognition, what did the Andhras do? They practically suspended their movement for their province, joined in the boycott and would not approach the commission on the subject of the Andhra Province. This is a clear proof that whenever national considerations demand it, the Andhras will not take a parochial or separatist view, but will throw themselves wholeheartedly and unreservedly into the national movement and make whatever

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sacrifices they are capable of. For these reasons, I do not think anybody has a right to view the Andhra agitation with any sort of suspicion whatsoever, or have any misgiving that it may not somehow tally with the requirements of the nationalist movement in our country.

" Sir, having said all this, let me say that I accept not merely unreservedly but wholeheartedly, the Hon. Premier's assurance given yesterday in the Assembly and to-day here. If I have referred to these points at all, it is most humbly and with every possible authority to acquaint him with the fact that rightly or wrongly statements have been made and sentiments have been expressed by him which have given rise to a certain amount of feeling that the Ministry and the Prime Minister were not so enthusiastic or favourable on this question, as they ought to be.

" Why do we expect him to be enthusiastic? The question of linguistic provinces as a general principle has been a cardinal factor of most of our political life. The Congress has endorsed it and it has got the *imprimatur* of the All-India Congress Committee. The Congress ought to feel proud of the fact that it is being here and now given an opportunity to implement one of its biggest policies which will revitalize our province by bringing the governments and administrations into the most intimate contact with the masses by making it possible for Indian languages to be used as media of instruction, one of the obstacles in the way of which is the fact that they are not being employed as media of the administration and of the law courts. Therefore, instead of viewing it with coldness or dislike our Ministry should adopt it with enthusiasm. They have got the power to implement their policies. We have seen how in Bihar and the United Provinces when the Governors did not bend to the will of the Congress Ministries, the Congress Ministries took the ultimate logical step by which they made their will prevail over that of the bureaucracy. If only my Hon. Friend the Prime Minister would make this a question of primary importance, if he would give it a place in his heart alongside of prohibition and khaddar, why, the Andhra province, will be an accomplished fact in a very short time.

" Sir, I do not wish to support the amendment of Sir K. V. Reddi for the reason given by the Prime Minister, namely that from the point of view of—I am not using the term in any bad sense—the tactics of the situation and of the means to be employed in gaining the object we have in view, a general proposition like this which will give the Ministry authority and power to investigate the question in its application to the conditions of the various districts and linguistic groups in the Madras Presidency, would be far better than rushing about with the idea of an Andhra province, which would create inter-linguistic jealousies. We are not opposed to the formation of a Karnataka province, but I think 1½ districts may not quite suffice for the purpose of

a new province even though it be constituted into a republic the President of which will get no salary. But we ought to express our willingness to hand over the districts to any Karnataka Province that may be formed by the Bombay Government in due course. Similarly in regard to Kerala, we will even go so far as to say that so far as administration is carried on through the medium of English and if ever the time comes, through Hindi, we will object to our friends from Malabar continuing to compete in our examinations and usurping our places in the services. We have always thought that it is one thing to be distinctive and it is another thing to be revoltingly and objectionably separatist. Separatism is not our idea. We shall still be as united as we were in the past and we shall be ever united for almost all our purposes. I do not know if my hon. Friend will excuse my drawing attention to the fact that the course that he has now proposed of examining the whole thing from the point of view of executive and administrative action and then recommending to the powers-that-be, the higher authorities, as to where this principle can be made immediately applicable, will involve a lot of time. He has already told us that he has been very straight and sincere in this matter. There is a corollary of no mean importance of this. If, on examination of the whole field, my hon. Friend and the Hon. Ministers come to the conclusion that the Andhra province is a feasible proposition and one in the realization of which, not the *immediate realization*—but in the realization of which *immediate steps* should be taken so that it may be realized as early as possible, then as a corollary, I say that they ought, in their budget and other arrangements, to give the Andhra Province the institutions which it now lacks. My hon. Friend in his speech yesterday warned us against recriminations and criminations regarding the way in which the finances of this Presidency had been allocated and how local advantages had resulted. Sir, I do not wish to say a word of criticism about it, but the fact remains that in the whole of Andhra Desa there are not the institutions which you find in the Tamil Nad. I do not accuse anyone because we were all one and for whatever happened we were all jointly responsible. But the fact again remains, however lamentable the situation may be, that there is a duty now resting upon the Government and if they are really sincere in saying that they would give effect to this resolution and try to inaugurate the Andhra Province as early as possible, they ought to give us those institutions which would make us feel more or less self-supporting and self-contained. For instance, Sir, we have not got a single college in the Andhra Desa equal to the Presidency College. We have not got a Natural Science College yet and many other institutions. I do not want to convert this discussion into a debate on the Andhra University, but if my hon. Friends would give a couple of hours of their official time to examine the statement they made regarding the financial assistance they gave to the Andhra University relatively to the Madras and Annamalai Universities, I venture to say that within half an hour I will convince them that, while they were talking in perfect good faith, they were

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absolutely ignorant of the facts. I do think that great injustice has been done to Andhras. The Tungabhadra Project and all those things for which our people have been clamouring for years have been postponed for one reason or other. I can say this all the more boldly because it is not an accusation against the gentlemen now in occupation of the Treasury Bench."

THE HON. MR. C. RAJAGOPALACHARIAR:—"Against your Andhra Ministers?"

DR. C. RAMALINGA REDDI:—"My hon. Friend says, 'against your Andhra Ministers.' I had almost hoped he would say that. Yes, the Andhra Ministers were under the clutches of the Tamil bureaucracy.

"Let my hon. Friend proceed with his negotiations with the powers above, but let him immediately and now, as an inexorable corollary to the proposition that he is in favour of the formation of an Andhra Province, give us those institutions which we lack. You know, Sir, how we had often discussed in this Council the necessity for having a first-class Agricultural College at Chintaladevi and how a thousand acres of land were set apart for it at one time."

THE HON. MR. C. RAJAGOPALACHARIAR:—"I have not been impatient; I have waited for some time. I am afraid that if this debate is converted into a regular budget debate—I do not wish to raise it as a point of order—we do not know where to finish."

DR. C. RAMALINGA REDDI:—"I will oblige my hon. Friend by finishing at once. What I meant to say was this. I will not go into details."

THE HON. MR. C. RAJAGOPALACHARIAR:—"I do not know if my hon. Friend Sir K. V. Reddi would desire me to rise again and reply."

DR. C. RAMALINGA REDDI:—"I am not Sir K. V. Reddi yet."

DR. SIR K. V. REDDI NAYUDU:—"Thank you for the compliment."

DR. C. RAMALINGA REDDI:—"All that I was going to say was that if my hon. Friend was so keen in his desire that an Andhra Province should be inaugurated—and that is the ripest of the propositions now under general discussion—he should immediately provide us with the institutions we lack, without which we shall only be a beggar province lagging behind other provinces and without which we shall not be self-supporting and self-contained in our culture or in other words, on a par with the sister province in the south."

MR. D. MANJAYA HEGDE:—"Mr. President, Sir, I support the resolution moved by my hon. Friend and oppose the amendment of Sir K. V. Reddi Nayudu. We are now discussing the general principle of the formation of provinces on a linguistic basis. Whether preference should be given to the Andhra Province or any other province is to be decided only after the question has been examined in detail by the

Government. I myself wanted to table a resolution on these lines, but I hesitated a little as I felt there would not be enough support. I am very glad that a resolution like this has been brought forward by an hon. Member who belongs to the majority party. Now Sir, it is a fact that we in India are divided in our culture, languages, arts and traditions. We have also diversity of opinions and conflict of interests among ourselves. All these circumstances are said to create various obstacles to our progress as a nation. But at the same time, the Government cannot ignore the desire of the people to promote their own culture and improve their position in every respect. This can only be done by the formation of provinces on a linguistic, cultural and traditional basis. Of course there may be persons who may be against the creation of new provinces, for they may think it inadvisable to create small provinces from the point of view of finance and population. But if we take into consideration the fact that small areas like Sind and Orissa have been formed into separate provinces, places where the population is less and the general revenue is smaller than what it would be in Andhra or Karnataka or Kerala Province, then we think it is quite necessary to have separate provinces for these places too. If separate provinces are created, then we will have more scope to develop ourselves and we shall be stronger to uphold the interests of the nation as a whole. Therefore, Sir, I strongly support the main resolution and request the Government to do what all they can do in this respect."

* MR. M. NARAYANA RAO:—" Mr. President, Sir, I rise to support the resolution with very great pleasure. I would not have risen to speak on this motion but for the fact that Mr. C. R. Reddi and some other hon. Member said that the Ceded districts were unwilling to join the Andhra Province. I want therefore to tell the hon. Members that so far as the formation of an Andhra Province is concerned the people of Rayalaseema wholeheartedly support the proposition. Of course they have some differences with the other people, but they do not affect the question of the formation of a separate province. The differences are of an economic nature. The other day when there was a discussion about the formation of provinces on a linguistic basis, it was urged that pending the formation of such provinces, we should be given some facilities by way of irrigation projects and so on in order that our economic condition may be improved.

" We never suggested that we object to this question. A leading newspaper the other day said that members coming from Rayalaseema are throwing all sorts of obstacles in the way of formation of an Andhra Province and that in doing so we are actuated by motives. But I can assure on behalf of members representing the Rayalaseema here, that we have no axe to grind. All that we want to see is that our economic position is improved and put on a par with the others in the Andhra Districts, and I am sure that my Andhra friends who are anxious about the formation of a separate province of their own, share our view in this respect. It is on economic question that the trouble arises, and I

am sure the moment the Province is formed, it will obviate all difficulties and certainly, this will easily solve the question. I am also sure that there is not one in this House who is opposed to the principle of formation of provinces on linguistic basis. This question has been before the public for a number of years. The Congress has accorded its approval to this. Again, it is not only the Congress that has done so, but several other non-congress organization also did the same. On a question like this, there can be no difference of opinion. We are all anxious that we will be enabled to be in a parliament where a common language is spoken. Take for instance, this House. Many of us who are able to talk in English, and have taken Degrees, like to talk in our own vernacular. But the Act 1935 stands in the way of doing so. But if left to us, I am sure, all of us will like to talk in the mother tongue, and we very much wish for the day when we all of us will be in a position to talk in our mother tongue, so that the man-in-the-street may understand our views, our aspirations, our thoughts and ideas.

" More than that, we feel that when provinces are formed in compact areas, we will reach that stage of being able to be in the position of self-contained provinces, having our own administration and all that sort that go with it.

" Some dissatisfaction was expressed by Dr. C. R. Reddi that the Hon. the Prime Minister is not very enthusiastic about the question. But we on this side of the House may assure the hon. Member that we are sure that the moment this resolution has secured the approval of the House, it is just possible to form not only the Province of Andhra districts but with regard to all other Provinces as well.

" Therefore I rise from my seat to assure the members of the Andhra districts, the members of Karnataka, Kerala and the Tamil Nad that we, in Rayalaseema, share fully their view and that we are as much anxious to share their troubles and enjoyment as anybody else.

" With these observations, I have very great pleasure in supporting this resolution."

* THE HON. MR. T. PRAKASAM :—" Sir, I thought there would be no necessity for so many speeches even in this House over this resolution. It is a plain, simple and straight resolution, and it is moved with the best of motives and intentions. I never believed it would be possible to raise so many points of doubts and suspicions.

" The first point raised by Dr. C. R. Reddi is that this should have been a Government resolution. I wish that Dr. Reddi has set out the special advantages that would accrue as a result of this resolution being drafted and sponsored by the Government itself. I may say at the outset that this is a resolution that has been accepted by the Government. It is a resolution that was read and proposed by a member of this House. What difference would it have made if it had been moved by a member

of the Government? So far as I can see, there is no difference at all, so long as the Government is prepared to accept the motion that has been tabled.

"Then again, Dr. Reddi said that the Prime Minister has not been enthusiastic and that the resolution was received by him with coldness. May I ask, what is enthusiasm? What is coldness? If enthusiasm alone can secure separation of a province, or freedom of the country or independence of the country. one can understand the Prime Minister being very enthusiastic over it. But as matters stand at present, there is no reason, for being so. I cannot be very enthusiastic over it; none of the members of the Government will be very enthusiastic over it, all merely for the sake of enthusiasm alone. Men charged with responsibility will have to consider how a matter like this should be handled, and how it will have to be dealt with. If a resolution is framed in the strongest possible language and if it is flung at Great Britain, would it secure the desired effect? Certainly not.

"My hon. Friend, Dr. Sir K. V. Reddi Nayudu, has moved an amendment asking this House to accept the formation of Andhra Province as a first step in the direction, and leave out the other provinces. Supposing that step was taken, what will be the position? What will be its effect if in enthusiasm, such a resolution was drafted and accepted by this House? Congress is not pledged to securing a few offices for a few individuals. Congress is not pledged to securing a few high offices for a few individuals in one Province and a few other high offices for a few others in other provinces. On the other hand, Congress is pledged to the masses to secure their rights and their liberties. This Government is not constituted by Dr. C. R. Reddi or by any of his friends, but by those villagers who are the electors and other people who supported the Congress candidates in the last elections, and when they sent their representatives to the Houses, and when they, through their representatives, had elected a leader and through that leader they constituted this Government, it is their right to demand whatever is best in their own interests. It was with this background that the resolution before us is drafted for the formation of four provinces on linguistic basis. This was being done according to the Congress principles and according to the principles of natural justice with a view to securing the rights of those who constituted this Government and who have appointed these Ministers. The people of Andhra Desa have voted for all the candidates whom the Congress have selected; so did the people of the Tamil Nad, so did Malabar and so did South Kanara. So they are the people who ought to decide the question of formation of provinces on linguistic basis. It is not a question of giving a few ministerships to a few Mappilla gentlemen of Malabar, or some other offices to Andhra gentlemen of the Andhra Province, or some other benefits for some other gentlemen of some other communities in the Tamil Nad. No; surely not. This Government is not pledged to foster the communal spirit and encourage

it, though it may be that we have not been able to scrap that communal Government Order however much we have tried to remove it. The nation has accorded its verdict against this spirit of communalism which has gone into the vitals of the nation as a result of its working for the last 20 years. Very nearly we have destroyed it during the last elections, and it is the electors who have been responsible to destroy that communal spirit. But when I say this, I should not however be misunderstood as saying anything, as a member of the Government, with regard to distribution of offices. That is left to the Hon. the Prime Minister and the Government as a whole. But taking this question of division of provinces on linguistic basis, it is the people who have constituted this Government that have a right to be consulted.

"It is the people that would like to have these legislatures divided on linguistic basis; it is they that would like to sit on the seats here 6 1
and the seats there and in the other House, to speak in their own languages, to conduct the whole proceedings in their own languages, and to be masters of their own destinies in the administration of the country. It is for that reason that the resolution was carefully worded like this; it has been put on linguistic basis and it cannot be put on any other basis. Andhra though I am, can I justify the proposition that the Andhra Province should be separated first, let alone the Tamils, let alone the Malayalees and let alone the Kanarese; surely that cannot be done; we have to put it on reason, on justice and on principle. This is the only principle on which it can be based. Suppose we accept the amendment of Sir K. V. Reddi Nayudu and say 'let the Andhra Province be separated first'; some superior appointments may be coming in their way.

"So far as the carving out of the Andhra Province is concerned, if only at the time of the Round Table Conference, there was somebody there to demand the separation of the Andhra Province and to read out a written statement like the other representatives who wanted the Orissa and the Sind Provinces, Mr. MacDonald would have stated 'have a separate Andhra Province.' It could easily have been done: but there was nobody to ask for it then. Now it is stated that we have been carrying on agitation for over 25 years; yes, we have been carrying on agitation for over 25 years; but at the opportune moment when they could have it for the mere asking of it at the Round Table Conference, there was nobody to ask for it. That is how we did not get it. Working under the Constitution Act, how can we proceed? Is this the way of doing things, to raise a debate like this on the floor of the House and to rouse feelings and impute motives, etc.? If we did like that, we would not have been in office even for these nine months. Contrary to all the rules and principles laid down in Political Economy, in Political Science, etc., we have shown that the four provinces can unite together, that the four provinces can adjust themselves, that the four

provinces can constitute the Government and carry on the administration successfully and this has been recognized in Great Britain and all other countries in the world.

"Separation is a very simple matter; we can separate to-morrow and we can develop in our own way. As has been pointed out by Dr. Ramalinga Reddi, does separation mean fighting among ourselves? it is a separation with a view to gain greater strength; when the provinces are separated on a linguistic basis, the underlying idea is that each province that is separated will become greater in strength.

"Now, take, Sir, the Congress constitution of the provinces. It is a long time since the Congress provinces have been formed on linguistic basis; 18 years ago, these Congress provinces were formed on a linguistic basis; the business of every Congress Committee has been carried on in its respective language; constructive work has been carried on by these Congress Committees. Twenty-one Congress provinces were carved out on linguistic basis in the whole of India and they are developing their strength in their own way; when there was a call to come into the fighting line, all the people jumped into it and fought shoulder to shoulder; when they were called again to carry on the constructive programme, they jumped into it again and carried the constructive programme almost to perfection; they have made their own history; they have changed the whole course of events and progress. If there should be anybody to re-write all these things, it must be written quite in a different way from what it had been put in books hitherto.

"I was expecting Dr. Reddi to put forward good grounds for the separation of the Andhra Province. More than 30 years ago I suppose, I saw Dr. C. R. Reddi, when he was a Cambridge student in England. When I went to see him after he took his degree, he decided not to allow himself to be called to the Bar; when I went to see him, I persuaded him to become a Barrister immediately, though he said 'no.' What did I find in his hands then? Being a Combridge student, a distinguished student with a first-class rank in the Cambridge University, what did I find in his hands? I found him with Mahabharata in his hands in his London Home. I thought that he would put forth the argument that by separating the Andhra Province, we would be developing our literature and we would be able to do everything in our own way. What did I find when I went to Stratford on Avon where Shakespeare was born? It is a very small place; Avon is a small river as big as the irrigation channels in our districts here; his house is a low-roofed and tiled house; they have been maintaining that house for several years. Andhras in the place wherefrom my hon. Colleague, Mr. Gopala Reddi comes, celebrate Tikkana Jayanti.

"Once the Andhra Province is separated, there will be greater chances for development, just as it has been possible under the Congress constitutions of provinces on linguistic basis. That is a line to which the Congress has been pledged; that is the line on which the

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Congress provinces have been developed, on which people have been educated; people have been asked to go to the polling booths and to return their representatives to constitute this Government; people are cultured on account of their intelligence they have inherited from their ancestors, though they are not as much educated as we are. In spite of the powerful organization built up by the Congress and the people, when this constitution is thrust upon them, and when a Provincial Government is asked to be constituted under this Act, they had to take courage in both their hands and meet the situation; they met the situation and they formed this Government. This Government is called upon to take up the subject of carving out provinces on linguistic basis. Why should it be said that the Prime Minister is not enthusiastic, that the other Ministers are not enthusiastic? Just consider; who would not he enthusiastic over this matter; this is an elementary matter and there is no complication in it; the Congress has separated the provinces already. If it was possible for this Congress Government to carve out the provinces straightaway, no time would be taken over it; we would have done so on a linguistic basis; we cannot do so under the present constitution. It was argued that a situation arose in the United Provinces and Bihar and they resigned. The Ministers in this province also would resign, if a situation arose. If the Prime Minister resigns, will we cling to office, will his colleagues cling to office? If there should be any conflict in the discharge of their duties on behalf of the people under the constitution, will Ministers here cling to office?

" The Irish example was quoted. Let me inform hon. Members of this House that no country can be quoted as against another; there can be no parallel in the history of the world, to our constitution, to our agitation, to our struggles and to the results we have achieved. Ireland had to carry on the fight for 600 years; here it is not so. Within the shortest possible time, within 20 years, results have been achieved here in quite a different way.

" How can we separate the provinces under the present constitution? Therefore this resolution has been brought forward and the Government have accepted the resolution; the idea is that the principle of the separation of provinces on linguistic basis, should be given effect to. I do not see how else it is possible, when you are not a free master in your own house, when you have to pass a resolution, when the resolution cannot be given effect to by yourself and when you are obliged to send your representation to the Secretary of State who is in England to accept it. What is it that can possibly be done under the circumstances? If it is known to Lord Zetland that there are bickerings as between the Andhras themsleves, between the Andhras of the Northern Circars and those of Rayalaseema districts, if it is known that the Congress constitution is working in a narrow groove, do you expect, Sir, that Lord Zetland and his Parliament would agree to the separation of the provinces? Surely not; they will

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not accept the resolution. When they feel that this is not a healthy move adopted by the Government of Madras and the people of Madras, they would checkmate it straightaway. If we are going to quarrel over this matter and if they come to know that there are differences amongst ourselves, they will say 'you must be yoked together for some time more, until better-time comes.'

"I have known all the three provinces as closely as I have known the Andhra Province; there is no corner which I have not touched in the Tamil-Nadu; there is no corner in the remotest Malabar which I do not know, as much as my hon. Colleague, Mr. Raman Menon; every corner did I touch; but we are put together here, one Malabar gentleman, one Tamil gentleman, one Andhra gentleman, one Harijan gentleman, one Muslim gentleman; we have been clubbed together and we have given such a good account not only to the people of this country but also to the outside world. Why does the hon. Member say that the Andhra Province alone should be separated first?

5 P.M. "Can any one say that I would not like to have a separate Andhra Province? I have been questioned on many occasions by some people, thinking that I would be free to talk, why I have not said anything about this question. Why I did not talk on this subject was, because I was not a free man and especially when I am in office, I should not be talking just as I like. It was also stated, 'some Ministers talk about it, why don't you talk'? If some Ministers talk, why should I talk? And so I have avoided saying anything about it until the last moment when the matter came up. Talking will not do, but the question is, when the matter comes up, what is it to be done? Now, is there any one in the Cabinet that does not feel as strongly as Dr. C. R. Reddi or Sir K. V. Reddi or any other member, on the question of a Karnataka Province? It is not a question that South Kanara is the southernmost point of the Bombay Presidency or the Kanarese section of Bellary alone. But, the Karnataka Provincial Congress Committee which has been running its business on a linguistic basis, has resolved upon this question and has even tabled a resolution in the Bombay Legislature, and it has also resolved that the Karnataka areas of the Madras Presidency should be tacked on to them, so that they might have a separate province of their own. They have sent many telegrams to this effect; their representatives have come here and they say that they have come here with a mandate to be given to us that this question should be pressed.

"Now, Sir, the Andhra Province is a big province; the Karnataka Province is also an equally big one. In between these two, what is it that is left? Malabar. Malabar, although it is a single district, is a district having a larger population than the North-West Frontier Province and as large as that of Sind. In Sind, the population is about 38 lakhs and in Malabar, the population is 37 lakhs. So, there is no difficulty even if it comes to the separation of Malabar into a separate province. So far as the Government is concerned, they have

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taken a very reasonable and logical course. There is no flaw in the resolution and this is the only form in which it can go with effect from this Government and from this Legislature.

"Here, I must make the position clear with regard to one matter. It is not because of any ill-feeling on the part of one province towards another, it is not because of any difficulty that this question has not been taken up early. Strictly speaking, soon after the elections were over and this Government was constituted, if we wanted to take any step immediately, the electorate who constituted the Government and who are given the right to constitute their Government, must be able to understand the proceedings and everything connected with it. Today, what is the position, Sir? We call the system of Government, Provincial Autonomy and we have been using that expression so often; and what does that mean? My hon. Friend, Mr. Rangaswami Ayyangar, has already referred to it briefly; what is Provincial Autonomy except carrying on our debates in a high-flown style in the English language and the whole thing being recorded in the English language and not a word of it is understood by the millions of people in whose name we are running this business? Is this really Provincial Autonomy? When once the right has passed into the hands of the people and they have become the masters, and they are the people who would call upon us to resign any moment if we do not conduct our business to their satisfaction, what is it that should be done? The language must be, as Dr. C. R. Reddi has pointed out, the vernacular, and the medium of instruction must be the vernacular. Here, I am very glad that Dr. C. R. Reddi has taken up a very strong attitude with regard to this question and I hope in the Andhra University, during his tenure of office, he would introduce vernacular as the medium of all instruction from the bottom to the top. So also, in the courts, what is the good of conducting the whole proceedings in the English language? The time has therefore come, after nine months of our being in office and when we are nearly coming to the close of the first year of our office, for us to take the necessary steps to adopt the principle of the division of the provinces on a linguistic basis. Adoption of linguistic basis does not mean ill-feeling or hatred. As I have already pointed out, if the provinces are formed on the linguistic basis and when we develop our agriculture, our trade and carry on our business in regard to production, distribution and sale and all other things inter-provincially, we will become more closely knitted together, our bonds or rather our love and affection and also our business bonds would become stronger and stronger and we will be able to proceed and finish our business in the best possible manner. I therefore submit that this resolution must be accepted by the House."

* **THE HON. DR. T. S. S. RAJAN**:—"Sir, it is rather late in the evening and I do not propose to take up the time of the House very much on this question. As far as I could see, opinion is practically

unanimous on this position, namely, that there should be a division of the country on a linguistic basis. That is the fundamental basis on which opinion is almost united. Therefore, it is unnecessary for me to hammer the question at any length, but I would first and foremost bring to the notice of this House and through this House to the outside public that for the first time in the history of our province, the Government as such, have accepted responsibility for this resolution (Hear, hear). This I want every one to realize, for those of us who know of resolutions that have been passed times without number both in public assemblies as well as in legislatures will realize that Government have always kept quiet over the question, and even if resolutions were carried by a majority, the Governments of the day remained neutral; and now for the first time in the history of this country it has been given to us to declare that we, as the responsible Government of this province, accept this fundamental proposition, and what will we be if we do not accept it? We are here as members of a party, as members of a national organization which has, in season and out of season, not only proclaimed this principle, but has actually acted upon it. If linguistic division is only an opinion, then the Congress has no place in it. Congress has not only accepted it, but has constituted 26 provinces in this country on a linguistic basis. While accepting this proposition on behalf of this Government, I would like to assure all members who are interested in it, that we are not unaware of the difficulties inherent in this proposition for we have been united together, whether it is through our wish or through the result of circumstances over which we have no control, and we have had a common political consciousness of being one of a province. And which I would in a way pay a compliment to those of us who belong to what may be called the Dravidians, whatever that term may mean, but it is always understood as the cultural affinity of a people tied together by something which is fundamental to all of us, even in language; the Dravidian population consists of Tamil, it consists of Telugu, it consists of Malayalam and Kanarese. The basic life-structure of these various cultures has been recognized as one cultural unit, called Dravidian. The claim of the Dravidian as a cultural basis not only on the linguistic side but even on political issues, has been in the forefront for a good decade and more in this province. That such associations should be sought to be torn asunder and that they should all be grouped into such political units, difficult of division, difficult of separate isolation, difficult also of proper working, is not a thing which we have not lost sight of.

"Speaking as an inveterate Tamilian, I can always say this. We have been a bit philosophical in our temperament, if I may so put it; and I should think, we claim a large amount of commonsense in this matter. We know very well our Andhra friends. They are temperamentally ardent, vigorous, emotional and would make themselves felt sooner or later, but the philosophy of righteousness and of having such perfect faith in the righteousness of things we

know and we shall have our claim recognized, though not vociferous; now, when the time comes we shall not lag behind. We also know this, that we have got not only the courage to feel that we can live with one culture or two, but we have also got the capacity to absorb every one of them into ourselves. Being a Vaishnavite and having studied Vaishnavite literature to a good extent, I can tell them that we have made the Andhras write the Prabandham in Telugu and repeat it as we repeat it. It is no mean conquest of the Tamils over the Andhras, for even to-day we will make them repeat our Tamil. But, what is more, we are having 37 lakhs of Andhras, not from yesterday or to-day, but for the last three or four centuries, in our midst. We have made them feel almost as part and parcel of the Tamils and even if we ask them to clear out, when these linguistic provinces come into existence, bag and baggage out of the Tamil land, I dare say, those Telugus who have settled in our midst, would refuse to go. Therefore, speaking as a Tamilian, I have absolutely no fear with regard to the bogey of separation, for I can face it; and what is more, I have got the courage of saying we have faced it and we will still survive it.

"Apart from that, Sir, my hon. Friend, Sir K. V. Reddi, said we are opposed to Federation. We do not know whether it is yet born or it is in the lap of the future, and it is not yet known as to whether it would be realized. But, I want to correct one insinuation of his, namely, that we have fought Federation. No. In fact, we accept the principle of Federation, and we also concede this, that for a political India of the future, Federation is perhaps the only solution. But, whether the particular type of federation offered to us to-day is a thing that we should accept or not is a different matter. Therefore these two things have to be distinguished and kept apart. The Congress wants federation and we want federation."

DR. SIR K. V. REDDI NAYUDU :—"A word of personal explanation, Mr. President. I was not speaking of any federation other than that contemplated in the Government of India Act. That is what the Congress has refused."

THE HON. DR. T. S. S. RAJAN :—"Therefore, federation as a principle has been accepted by all and is not a matter for debate.

"I may now allude to the alluring temptations offered by my hon. Friend to my Malabar friends on this side. He said in effect, 'You fellows, you get some good jobs. You have got all that. Probably you want more. You can wait. Let me get my Andhra province first.' That is exactly the thing that will confuse others. It is an exhibition of parochial feeling. But whatever it may be, it was unnecessary to impute motives to the Government and say that the Government are going to shelve the whole thing and that they are not in favour of it and would not work at it immediately and that is why they have put the words 'as early as possible.' This is a meaningless objection, Sir. 'As early as possible' in good English, means also 'immediately.' If 'immediately' includes 'as early as possible,'

'as early as possible' also includes 'immediately.' I have no objection to your putting the word 'immediately' in the resolution. I have no objection to the word. But what is it that you mean thereby? You claim a certain amount of priority."

DR. C. RAMALINGA REDDI:—" May I know . . ."

THE HON. DR. T. S. S. RAJAN:—" The hon. Member had his say already. He is a professor of language. I am an uncultured man, but I know that the technicalities of fine phrases do not carry one very far.

" Sir, we would certainly give a separate province for the Andhras to-morrow if we could do so. But here we have this resolution framed in accordance with the Government of India Act of 1935. We have taken a share in the framing of this resolution. We have taken upon ourselves the responsibility for carrying this resolution to the right quarter and getting it accepted as early as possible. Therefore, whether it is moved by the Government or by a certain individual, and whether it is 'as early as possible' or 'immediately' it does not take away the fundamental principle embodied in this resolution which this Government is prepared to concede, namely, that in this country all political divisions shall be on linguistic basis. Therefore the question of Kannada or Kerala does not arise in this matter. Reconstitution need not necessarily mean reconstitution of only one portion of this province. It literallly means reconstitution of the whole country on a linguistic basis.

" Sir, there is then the fear with regard to this question that an entirely provincial or linguistic feeling might in a way act as a deterrent to the development of national feeling in our midst. Separatist tendencies are dangerous in politics and separatist tendencies even on a linguistic basis have their own virus of poison. But we have enough faith in our countrymen, we have enough faith in our political life, we have enough faith in the great national organization which has taken this fundamental step years and years ago, and we have also seen the evolution of individual units in a body corporate. We feel that the giving of full opportunities to individuals to develop and to thrive is perhaps the best method for the development of national and patriotic feeling. Therefore when we unite on national basis, we pit the patriotism of our people against the provincialism on a linguistic basis and we believe that every effort made to raise that particular unit will necessarily raise the patriotic consciousness and the national feeling of the entire people. In that sense progress really means progress of the whole nation. We are not therefore afraid of facing the question in all its implications. We shall give full opportunity to language groups to develop the culture upon which the language stands, to develop in the spirit in which their people shall live and desire to live. And we shall not allow this resolution to be implemented in the way in which my hon. Friend, Dr. C. R. Reddi, so nicely, so cleverly and so naively put it. For, he said,

'It does not matter. Let the Andhra province come. I suppose it will come; but if you are true, if you are earnest, put down some more money for Andhra education.'

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"That is a clever argument, I admit. I should like to assure him that we are not prepared to walk into his parlour. We stand for the principle of linguistic division of provinces. The question of division of spoils shall certainly come and, when it comes, we are prepared to face it; but it shall not be said that before the body is removed, we shall quarrel and do the cremation later. What we shall say is—

'We shall not fight at all. We shall certainly get it and do the cremation most peacefully and effectively. We shall not let the body politic lie over till we finish our quarrels.'

We would not also admit the proposition—

'We shall divide first and then begin to kill the father later on.'"

DR. C. RAMALINGA REDDI:—"I thought the Hon. the Leader of the House is going to refer to a birth ceremony, and not cremation."

THE HON. DR. T. S. S. RAJAN:—"That is a true Dravidian idea. Certainly I had that in mind. I was only referring to the birth of the idea of a linguistic province.

"Well, I am very sorry for Dr. Sir K. V. Reddi Nayudu because in his attempt to claim a privilege for the Andhras, he has literally brought a hornets' nest around him. The moment he finished my hon. Friend from Malabar rose, followed by Mr. Saldanha who wanted straightway a republic with an honorary president. But for his statement I am sure these two friends would not have made the statements they made. So, if for nothing else, at least for not creating a feeling against this provincial claim amongst Members, the hon. Member should have kept quiet. As it is he has played a tactics not worthy of his intelligence. (Interruption.) We as a Government are not looking at this question in terms of Telugu or Tamil. We feel that we represent every one, the Tamil, the Telugu and so on. Despite the lack of representation of Mappillas in the Cabinet, we feel and we contend that we represent Mappillas also. And while we do so, we subscribe to the principle of linguistic division of provinces and we adopt that principle, and what is more, we will fight for it and get it as early as possible realizing the limitations under which we are placed. Therefore I would like every one to think more of the fundamental basis of this resolution than of the very minutest details of it. We must bear this point clearly in mind.

"Now, the first step that has to be taken under the Government of India Act in this connexion is that the Provincial Government should give its endorsement and approval to this principle. We have taken the first step that is necessary for the achievement of our purpose. When, once we have done it we shall send it up. Federation or no Federation, Central Government or no Central Government, there are transitional provisions. Even if Federation is not likely to be brought about now, if the urge is good and the desire is good, we should

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expect the Government to adopt some remedy to answer the pressing call for a province. Therefore after having made these points clear, and after having realized and understood the difficulties in working out a province such as the delimitation of territories, the division of finances, and the location of capital, whether the Madras city is to be Andhra or Tamil or Kerala, we are going to face them and face them we must. Therefore when we accept the principle we also accept the difficulties that are involved in working out the same. We as a responsible Government feel that while we undertake to push this scheme through, we have determined in our minds to meet the difficulties. We feel confident that we can overcome them. Therefore in accepting this on behalf of the Government we are not at all afraid. We have no reservations on this matter. Tamil or non-Tamil, Andhra or non-Andhra, Malabar or non-Malabar, we make no difference. Our provinces shall be constituted on the basis of population and on the basis of culture and each shall be free to develop, free to grow and free also to contribute each its share in as large a measure as possible to the commonweal and for the growth of the public life of India and to make India a nation. In the progress towards complete political liberation we can conceive of no other political principle than that of federated political units to make up the nation. Modern history everywhere, except in dictatorial central Europe, has shown that democracy of the type that England has learned to work has still a future. In a country like ours, so vast and so big, with different kinds of culture, we have a certain common principle for which we have to strive and live and that shall be achieved only by a federation of these cultures and having as its basis the great national life of our country which is unique not only in its geographical situation but also in its tremendous vitality and inherent latent power that when once revived will again give not only to this country but also to the world at large that culture, that knowledge and that science which it was once our proud privilege to give. The idea in accepting this resolution is that we hope for the glorious future of our country not only as free citizens of an empire, but as free citizens of a nation in the comity of nations of the world. Therefore in accepting this resolution on behalf of the Government we are of opinion that, taking all circumstances together, the demand for the constitution of separate provincial administrations on linguistic basis should be conceded. The Government therefore support the resolution."

* MR. PRESIDENT:—"Is the hon. Mover making any reply?"

MR. K. P. MALLIKARJUNUDU:—"I wish only to thank the Government for accepting this motion. With your permission, Sir, I thank the Government for this and I oppose the amendment."

The amendment was put and lost.

The resolution was then put and carried.

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DR. C. RAMALINGA REDDI:—" May I request you, Sir, to record that it is carried *nem con*, because nobody cried ' No ' when you put it to the vote? "

* MR. PRESIDENT:—" The resolution is carried *nem con.*"

V.—PROROGATION.

* MR. PRESIDENT:—" I have recived the following message from His Excellency the Governor:—

' In pursuance of clause (*b*) of sub-section (2) of section 62 of the Government of India Act, 1935, I, John Francis Ashley, Lord Erskine, Governor of Madras, hereby prorogue this session of the Madras Legislative Council.'

" So, the Council now stands prorogued."

VI.—PAPERS LAID ON THE TABLE OF THE HOUSE.

1. *G.O. No.* 111, *Finance, dated the 28th March* 1938, *regarding the authentication by His Excellency the Governor of the schedule of authorized further expenditure* (*Budget for* 1937–38).

2. *G.O. No.* 113, *Finance, dated the 29th March* 1938, *regarding the authentication by His Excellency the Governor of the schedule of authorized expenditure* (*Budget for* 1938–39).

APPENDIX.

(Vide item III at page 624 supra.)

L.A. BILL NO. 5 OF 1938.

(As passed by the Assembly.)

A Bill further to amend the Indian Tolls Act, 1851, *in its application to the Province of Madras and the Madras Motor Vehicles Taxation Act,* 1931, *for certain purposes.*

WHEREAS it is expedient further to amend the Indian Tolls Act, 1851, in its application to the Province of Madras and the Madras Motor Vehicles Taxation Act, 1931, for the purposes hereinafter appearing; It is hereby enacted as follows:— VIII of 18[51]. Madras Ac[t] III of 1931.

Short title.

1. This Act may be called the Madras Tolls and Motor Vehicles Taxation (Amendment) Act, 1938.

Substitution of new section for section 2, Act VIII of 1851.

2. For section 2 of the Indian Tolls Act, 1851 (hereinafter referred to as the said Act), the following section shall be substituted, namely:— VIII of 18[51].

Power of Provincial Government to levy tolls on roads and bridges.

"2. (1) The Provincial Government may levy tolls in respect of—

(*a*) any road or bridge made, improved or repaired at their expense after the 1st April 1931, and

(*b*) any bridge made, improved or repaired after the 1st April 1931, partly at the expense of the Provincial Government and partly at the expense of a local body or bodies or solely at the expense of a local body or bodies, provided that the total expense incurred on the bridge shall not be below such limit, if any, as the Provincial Government may, by rules, determine.

(2) The tolls shall be levied only at such rates and for such period as the Provincial Government may by notification in the Official Gazette declare to be necessary—

(*a*) in the case of tolls levied under clause (*a*) of sub-section (1), for the recovery of the amount expended upon the road or bridge or such portion of such amount as the Provincial Government may determine, together with interest thereon at such rate as they may fix; and

(*b*) in the case of tolls levied under clause (*b*) of sub-section (1), for the recovery of the amounts expended upon the bridge—

(i) by the Provincial Government, and

(ii) by the local body or bodies otherwise than from its or their ordinary revenues,

or such portions of such amounts as the Provincial Government may determine, together with interest on such amounts or such portions, as the case may be, at such rate or rates as they may fix.

(3) Where tolls are levied in respect of any bridge under clause (*b*) of sub-section (1), the receipts from the tolls after deducting the expenses on account of the collection thereof, shall—

(i) in case the bridge is made, improved or repaired solely at the expense of a local body, be paid to that local body, and

(ii) in other cases, be distributed between the local body or bodies concerned and the Provincial Government in proportion to the expenditure respectively incurred by the local bodies otherwise than from their ordinary revenues and by the Government.

(4) All sums payable to local bodies under sub-section (3) shall be charged on the revenues of the Province.

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(5) The Provincial Government may place the collection of the tolls levied under sub-section (1) under the management of such persons as may appear to them proper; and all persons employed in the management and collection of such tolls shall be liable to the same responsibilities as would belong to them if employed in the collection of land revenue."

Addition of new section 9 in Act VIII of 1851.

3. After section 8 of the said Act, the following section shall be added, namely:—

Power of Provincial Government to make rules.

"9. The Provincial Government shall have power to make rules regarding the method of collection of the tolls, the manner of distribution of the receipts therefrom, and generally for carrying out the purposes of this Act."

Repeal of section 14, Madras Act III of 1931.

4. Section 14 of the Madras Motor Vehicles Taxation Act, 1931, shall be omitted. Madras Act III of 1931

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